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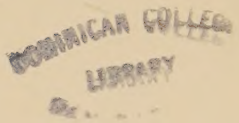

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UNDER

THE ROYAL GOVERNMENT

1719–1776

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OF

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1719-1776

BY

EDWARD McCRADY

A MEMBER OF THE BAR OF CHARLESTON, S.C., AND PRESIDENT
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AUTHORITIES CONSULTED AND QUOTED

Adair's History of American Indians. London, MDCCCXXV.

Address of Hon. William A. Courtenay, Mayor. Centennial of Charleston, 1883. Year Book of Charlestown, 1883.

Addresses of Wilmot G. De Saussure, President Cincinnati Society, 1883–1885.

Address of W. C. Moragne. New Bordeaux, Abbeville, 1854.

Address of J. J. Pringle Smith. Special Services held at St. Philip's Church, Charleston, S. C., in Commemoration of the Planting of the Church of England in the Province of Carolina. May, 1875.

Alston, Hon. R. F. W. Reports to South Carolina Legislature upon Subject of Free Schools.

American Commonwealths. James Bryce. 2 volumes. 1888.

American Commonwealth Series. Horace E. Scudder.

Maryland: The History of a Palatinate. By William Hand Browne.

New York: By Hon. Ellis H. Roberts, LL.D. 2 volumes.

Virginia: A History of the People. By John Esten Cooke.

American Encyclopedia.

American Episcopal Church, History of. Bishop Perry. 2 volumes.

American Historical Review.

American Loyalists. By Lorenzo Sabine. MDCCCXLVII.

Annual Register.

Bancroft's History of the United States. Editions of 1852 and 1883.

Baptist Church, Charleston, S. C., History of.

Bartram's Travels.

Belknap's History of New Hampshire.

British Empire in America. Oldmixon. 2 ed. MDCCXLI.

Bruce's Economic History of Virginia. 1896. 2 volumes.

Burke's Peerage.

Burke, Edmund, Works of.

Carroll, B. R., Collections of. 2 volumes.

Chalmer's History of the Revolt. 2 volumes.

Cobb, Thomas R. R. On Slavery. 1858.

Collections of Historical Society of South Carolina. 4 volumes.

Colonial Records of North Carolina. Volumes I, II, and III.

Commons Journals MS., Columbia, S. C.

Connecticut, History of. Trumbull.
Considerations on Certain Political Transactions of the Province of South Carolina. Sir Egerton Leigh. London, 1774.
Council Journals MS., Columbia, S. C.
Coxe's Description of the English Province of South Carolina.
Coxe, W. Memoirs of Pelham's Administration. London, 1829.
Cumberland, Richard. Memoirs of W. Mudford. London, 1812.
Dalcho's Church History. 1820.
Day on Cooper River. J. B. Irving.
Diary of the American Revolution. Frank Moore, N. Y. Privately Printed, 1865.
Documents connected with South Carolina. P. C. J. Weston. Printed for Private Distribution, 1856.
Drayton, John. A View of South Carolina. 1802.
Drayton, John. Memoirs of the Revolution. 2 volumes. 1821.
Emancipation of Massachusetts. Brooks Adams. 1887.
Encyclopedia Britannica and Supplement.
Federalist, The.
Florida, Forbe's History of.
Florida, Robert's History of.
Foote, Rev. W. H. Sketches of North Carolina.
Freeman, &c., The Letters of (William Henry Drayton). London. Printed in the Year MDCCLXXI.
Gazette, The South Carolina. 1732–1775.
Gazette, The South Carolina and American General. 1758–1775.
Gazette, The South Carolina and Country Journal. 1765–1775.
Gentleman's Magazine. Volume X. 1740.
George III, Memoirs of the Regency of. H. Walpole. London, 1845.
George IV, Memoirs of.
Georgia, History of. Rt. Rev. W. Stevens. MDCCCXLVII. 2 volumes.
German Settlements and the Lutheran Church in the Carolinas. Rev. G. D. Bernheim. 1872.
Gibbe's Documentary History of South Carolina. 1764–1776.
Gordon, W. History of the American Revolution. 1788.
Greg, Percy. History of the United States. 2 volumes. 1887.
Gregg, Rt. Rev. Alexander. History of the Old Cheraws. 1867.
Hawks, Rev. Alexander, D.D., LL.D. History of North Carolina. 2 volumes. 1858.
Hewatt, Rev. Alexander, D.D. An Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia. 2 volumes. 1779.
Higher Education in South Carolina, History of. By Colyer Meriweather, A.B., U. S. Bureau of Education. 1889.

Hildreths, Richard. History of the United States of America. 3 volumes. 1849.

Howe, Rev. George, D.D. History of the Presbyterian Church in South Carolina. 1870.

Hughson, Carter Shirley, Communication to Evening Post.

Huguenots, The. Samuel Smiles. 1868.

Johns Hopkins Studies.

Government of the Colony of South Carolina. Edson L. Whitney, Ph.D., LL.B. 13 series, I, II. 1895.

Local Government and Free Schools in South Carolina. James Ramage, A.B. XII. 1883.

Johnson, Joseph, M.D. Traditions and Reminiscences of the American Revolution in the South. 1851.

Johnson, Hon. William. Life and Correspondence of Nathaniel Greene. 2 volumes. 1822.

Judicial and Political Subdivisions in South Carolina. Formation of an Essay read before South Carolina Bar Association. By John P. Thomas, Jr. 1889.

Keith, Sir William. The History of the British Plantations in America. Part I. Virginia, London. MDCCXXXVIII.

Lecky's History of the Eighteenth Century. 1878.

Lecky's Leaders of Public Opinion in Ireland. 1882.

Legare, Hon. Hugh Swinton. Writings with Memoirs by his Sister. 1846.

Legal Works

Blackstone's Commentaries.

Cushing's Law and Practice of Legislative Assemblies.

Court Book MSS. 1763, 1775. Office Clerk, G. S. and C. P., Charleston, S. C.

Jacob's Law Dictionary.

May's Law and Practice of Parliament.

Revised Statutes of the United States.

Reports. English Common Law. Dumford and East (Term Reports).

East Reports. Lord Raymond's Reports. Salkeld. Ventris.

English Equity. Ambler Reports.

South Carolina Reports. Law. 2d and 3d McCords and VII Richardson.

United States Supreme Court Reports. 1 Peters and 19 Howard.

State Trials. Vol. XX.

Statutes of South Carolina.

Trotts, C. J. Charges MSS.

Trotts, C. J. Laws.

Lives of the Chief Justices of England. John Lord Campbell.

Lives of the Lord Chancellors of England. John Lord Campbell.
Logan, John H. History of Upper South Carolina.
Mahon, Lord. History of England. London. 7 volumes 1839–1854.
McMaster's History of the People of the United States. Volume I. 1883.
Methodists, History of the. W. Myles. London, 1803.
Mills, Robert. Statistics of South Carolina. 1826.
Miscellaneous Records. Probate Office, Charleston, S. C.
New Jersey Archives. Volume IX.
Newspaper Press of Charleston, S. C. William L. King. 1882.
Nova Scotia, History of. R. M. Martin. London, 1837.
Oglethorpe, James, Biographical Memoirs of. T. M. Harris. 1841.
O'Neal's Bench and Bar of South Carolina. 2 volumes. 1859.
Orangeburg County, History of. A. S. Salley, Jr. 1898.
Parliamentary History. T. May. Volumes VI, VII, XIV. 1812.
Parton, J. Life of Andrew Jackson. 1860.
Pinckney, Eliza. Women of Colonial and Revolutionary Times. Mrs. H. H. Ravenel. 1897.
Pinckney, General Thomas. By Rev. Charles Cotesworth Pinckney, D.D. 1895.
Poyer, J. History of Barbadoes, 1605–1801. London, 1808.
Public Libraries One Hundred Years Ago. H. E. Scudder, Bureau of Education, U. S. 1876.
Public Records MSS. of South Carolina. Columbia, S. C.
Purry, Jean Pierre, Memorial of. Privately Printed. Charles C. Jones, Jr. 1880.
Ramsay, David, M.D. History of South Carolina, 1670–1808. 2 volumes. 1809.
Ramsay, David, M.D. History of the Revolution of South Carolina. 2 volumes. 1785.
Ramsay, David, M.D., Memoirs of. Martha L. Ramsay. 1811.
Records MSS. of Mesne Conveyance Office of Charleston, S. C.
Report of Committee of Diocesan Convention, Prot. Epis. Church, So. Ca., on the Destruction of Churches in 1865.
Report of Committee on Translation of Liturgy of French Church. 1863.
Report of Committee on State Paper Currency of South Carolina. 1737.
Reports of Historical Committee of the Charleston Library Society. 1835.
Rivers, Professor William J. Historical Sketch of South Carolina. 1856.
Rivers, Professor William J. A Chapter on the Colonial History of the Carolinas. 1885.
Russell's Magazine. September, 1859. March, 1860.
Simpson, Rev. Archibald. MSS. Diary, Charleston Library.
Slavery, History of. Thomas R. R. Cobb. 1858.

Slavery in the Province of South Carolina, 1670–1770. Edward McCrady. Annual Report American Historical Society. 1896.

St. Mark's Parish and William's Township, Chronicles of. 1731, 1885. James M. Burgess, M.D.

St. Philip's Church, Historical Sketch of. By Edward McCrady. Year Book. Charleston, 1896.

Society for the Propagation of the Gospel, Historical Account of. Humphreys. 1729.

Society for the Propagation of the Gospel, Digest Records of. 1701–1892.

Southern Historical Society, Publications of.

South Carolina under the Proprietary Governments, 1670–1719. Edward McCrady. 1897.

Thomas's History of Printing in America. 2 volumes. 1810.

Toner, Joseph, M.D., Lectures. Bureau of Education, U. S. 1874.

Wells's Register. Together with Almanack &ct. For the Year of our Lord 1775.

West Indies, The History of. Bryan Edwards. 3 volumes. London, 1794, 1801.

Wilkes, John, Life of. J. Almon. London, 1805.

Winyaw Society, Rules of.

Whitefield, Rev. George, Memoirs of. By Rev. J. Gillies. 1812.

Whitefield, Rev. George. Letters to Rev. Alexander Garden. 1740.

Year Books of the City of Charleston, during the Administrations of the Hon. William A. Courtenay, Hon. John F. Ficken, Hon. J. Adger Smyth.

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HISTORY OF SOUTH CAROLINA UNDER THE ROYAL GOVERNMENT

CHAPTER I

1719–20

The overthrow of the Proprietary government in South Carolina has usually been spoken of as the Revolution of 1719. Francis Yonge, whose narrative of what took place is the accepted authority upon the subject, entitles his account "The Proceedings of the People"; [1] and doubtless it was by the uprising of the long-exasperated colonists that the overthrow was actually consummated. But it was the collector of the King's customs, Edward Randolph, who began the agitation, and this he did twenty-five years before,[2] from which time opposition to the Proprietors was steadily encouraged by the Board of Trade and Plantations in England, who listened to every complaint and facilitated every movement against their Lordships. From the accession of King James II it was, indeed, the settled policy to convert all Proprietary into Royal governments. Nor can there be any doubt that Crown and people had abundant reason to complain. From the first settlement of the province there had been one continuous struggle between the Proprietors and the colonists.

[1] Carroll's *Coll.*, vol. II, 141.

[2] *So. Ca. under Prop. Gov.* (McCrady), 293.

Hewatt, the historian, thus sums up the case against their Lordships. When the Proprietors, he says, first applied to the King for a grant of this large territory, at that time occupied by heathen, it was said they were excited thereto by their zeal for the Christian faith, yet they made no effort to Christianize the Indians. The Society for the Propagation of the Gospel had taken that work up; but the Proprietors had done nothing to help them. By their charter they were to build churches and chapels for divine worship; yet they had left the burden of this entirely upon the inhabitants who had received no assistance or encouragement, except from that society. They were to have erected castles and forts for the protection of the colony, but the colonists were obliged to raise these at their own expense. They assumed to themselves a despotic authority to repeal and abrogate laws made by the Assembly, and ratified by their own deputies in Carolina. They not only tyrannized over the colony, but also employed and protected officers more tyrannical than themselves. In times of imminent danger, when the colony applied to them for assistance, they were either unable or unwilling to bear the expense of its protection. When the Assembly, to strengthen the frontiers of the province and for the encouragement of settlers, allotted lands which the colonists themselves had obtained by conquest, the Proprietors, claiming the sole right to their disposition, repudiated the action of the Assembly, though assented to by their own deputies, and appropriated the lands thus acquired to their own use. When the trade of the province was broken up and plundered by pirates, the colonists could obtain no assistance from their Lordships, nor would they allow the laws made by the colonists for defraying the expenses of the defences which the colonists had themselves provided. At the instance of the mer-

chants of London, the Proprietors interfered with the currency of the colony issued to meet its public expenditures. In short, the people saw no end of their troubles and dangers. No remedy appeared to them so proper and effectual as that of throwing themselves under the immediate care and protection of the Crown of Great Britain.

The government of England now sanctioned, if it had not abetted, the conduct of the colonists to the Proprietors. In little more than fifty years it was to have the principles now approved, applied to its own case, and as successfully asserted against its authority, as with its assistance they were now asserted against that of the Proprietors. Nor was the Royal government even at this time without warning to that effect. In 1719 Colonel Rhett in prophetic language had written that if this "*revolt is not cropt in the bud, they will set up for themselves against his Majesty.*"[1]

The revolution left the territory of the province of Carolina, as originally formed, in an anomalous condition. The settlement of the vast domain granted to the Proprietors by the charter of Charles II in 1665 had been ultimately carried on with some success from two points, to wit, Albemarle and Charles Town — the attempts at Cape Fear and Edisto having failed. While there had been no formal division of the domain into distinct territories, these settlements at the two points had at first distinct governments; and the northern portion had gradually acquired the informal designation of North Carolina; the southern that of South Carolina. In 1691 the policy had been attempted of consolidating the two settlements or colonies under one government for the whole province with Colonel Philip Ludwell as Governor, but it had not succeeded;

[1] Chalmers's *Hist. of the Revolt*, etc., vol. II, 93; *Hist. Sketches of So. Ca.* (Rivers), 299 note.

and John Archdale, Sir Nathaniel Johnson, and Edward Tynte, the three succeeding Governors appointed directly by the Proprietors, had each been commissioned as Governor of Carolina to administer the affairs of South Carolina personally, and those of North Carolina by a deputy Governor. Charles Eden, the first full Governor of North Carolina, was commissioned as such by the Proprietors on the 18th of July, 1713.

Governor Eden was still Governor of North Carolina when the revolution in South Carolina took place, and having no notion to run the risk of being superseded by some one else under the Crown, he procured from his council an address assuring the Lords Proprietors of their utter detestation of the proceedings in South Carolina; that nothing should be wanting in their power to protect their Lordships' interest in North Carolina; that the people there were entirely easy and satisfied under their government, and would use their utmost endeavor to maintain it. Adopting this policy the Governor and Council refused to hold any communication with the people's Governor set up in South Carolina, and declined to answer a letter addressed to Governor Eden by Colonel Moore styling himself Governor.[1]

A part of the original province thus disowned the Proprietor's government, while the other part maintained it. This practically divided the province into two: South Carolina becoming a Royal, while North Carolina remained a Proprietary province. But though the Proprietary government had been overthrown in South Carolina, the title to the soil still remained under the grant of the charter of Charles II in the Proprietors and so continued until the purchase by the King and the sur-

[1] *Colonial Records of No. Ca.*, vol. II, 375–382; Hawk's *Hist. of No. Ca.*, vol. II, 561.

render by seven of the eight Proprietors under the act of Parliament of 1729. Lord John Carteret, refusing to join in the surrender, retained his interest in the land until 1744. His Majesty the King and his Lordship thus became joint owners as tenants in common; the title of seven undivided eighths of the province of South Carolina being in the King, and the remaining undivided eighth in Lord John Carteret.[1]

The ten years which followed the overthrow of the Proprietors' government, and which ended in the surrender of the charter, was a period of doubt and uncertainty. It was nearly a year before the colonists learned of the acceptance by the Royal government of the revolution they had accomplished; and though a government was then set up and established by the King, it was but provisional, and its permanency was a matter of question, as the Proprietors' influence around the throne was still very great and was persistently exercised. In the meanwhile the colonists were in constant apprehension of invasion by the Spaniards and pirates, and of murderous inroads by the Indians; added to which there was a plot of the negroes to destroy the whites and take the town, which however was fortunately suppressed.[2]

Upon Governor Robert Johnson's refusal to recognize the revolution as accomplished, and to declare that he held the government for the King, the Assembly, in accordance with the precedents of Parliament during the revolution in England of the last century, styling itself a convention, had inaugurated a temporary government to hold until the pleasure of his Majesty King George the First could be known. James Moore had been chosen Governor with a council of twelve, after the

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 679, 680.
[2] *Coll. Hist. of So. Ca.*, vol. I, 252, 253.

manner of the Royal governments in other colonies. Richard Allein had been appointed Chief Justice, and Colonel John Barnwell sent as agent to England to represent to his Majesty's government what had taken place, and to appeal to it to take the colony under the Royal protection and immediate government. Having thus established a temporary government, the convention resolved itself back again into an assembly, and proceeded to enact several measures deemed necessary for the condition of affairs while waiting for the action of the Royal government in England.[1] These proceedings were of course revolutionary. The Assembly had no direct authority of the people, for its members had not been elected with any avowed purpose of overthrowing the Proprietary government. Their justification was in the subsequent approval of his Majesty the King, in whose name they had set up the new government, and in the acceptance of its results by the people.

While the struggle was going on for the overthrow of the Proprietary government, Governor Johnson had directed the secretary of the council to secure and hold the public records. This it seems he had so effectually done that the new government could not obtain access to them, for we find an act of the 12th of February, 1719–20, imposing a penalty of £1000 upon any one having their custody or keeping, or who knew where they were and did not deliver them to William Blakeway, Esquire, the secretary, or disclose their hiding-place.[2] These threats and awards appear to have caused the production of the lost records, for with the exception of the journals of the General Assembly during those commotions, the records of the Proprietary government are all now in the office

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 656.
[2] *Statutes of So. Ca.*, vol. III, 98.

of the Secretary of State in Columbia or in the Probate or Register's office in Charleston.

The recent experience under Chief Justice Trott, as might be supposed, called for some immediate legislative action in regard to the courts, so that it might not be longer the privilege of a Chief Justice to speak of them as *his* courts. The original of the act adopted unfortunately has not been found, nor has any copy been preserved. We have only the title, which is "*An act for the better Regulating Courts of Justice*," passed February 12, 1719–20.[1] Governor Glen writing to the Lords Commissioners of Trade in 1749, complaining of one of the assistant judges of that time, states that this act was affected to be called the *Magna Carta* of Carolina. He says that it was passed by this Assembly, but never confirmed either by the Proprietors or by the Crown ; he requests to know in what light he is to regard this law, a copy of which he transmits to their Lordships.[2] It is most interesting to observe that this act which was so much prized by the people, and upon which the judicial system of South Carolina remained during the whole of the Royal government, was constitutionally approved by neither Proprietary nor Royal authority, and that its legality was a matter of serious question. It is singular also that the text of so important a measure is not to be found among the acts of the time, nor has any copy of it been preserved. By Governor Glen's letter it appears that the assistant judge in question claimed that no instruction from the Crown could give a Governor power to suspend him as against this law ; the assistant judge of whom his Excellency was complaining resigned, however, and the subject

[1] *Statutes of So. Ca.*, vol. III, 99. "Passed February 12, 1719–20. The original not to be found."

[2] *Coll. Hist. of So. Ca.*, vol. II, 308, 309.

was dropped. It is no less singular that the matter appears to have been allowed to rest in this condition until the overthrow of the Royal authority. We find several acts during that government, regulating the sitting, jurisdiction, and practice of the courts, but none relating to the constitution of the courts of common law and general sessions; county and precinct courts and a court of chancery were provided, but the constitution of the common law and general sessions courts appear to have remained as they were established under this act of such doubtful authority. Having no copy of it we can only assume its provision from the constitution of these courts as they actually existed. It was under it then that we may suppose that these courts were constituted of a Chief Justice and four assistant justices. The Chief Justice was usually a professional lawyer, and was appointed by the Crown. The four assistant judges were laymen.

The first act in Carolina against usury was passed at this time. Dr. Ramsay says that there is no evidence of any law giving the rate of interest nor of any against usury during the first fifty years of the settlement of the colony. He states that two laws were passed, one in 1720 and the other in 1721, against usury, the last of which indirectly brought into view the rate of interest. Dr. Ramsay evidently did not have before him the act of the 13th of February, 1719–20, else he would have seen that that of the 15th of September, 1721, was but a copy of it, reënacted no doubt by the Royal government because of the doubt as to the effect of an act of this revolutionary body. These acts both prohibit the taking of more interest for money lent than ten per cent per annum under a penalty of a forfeiture of treble the amount. When Carolina was settled, says Dr. Ramsay, interest in England was six per cent. When this law was passed it was

five. How it came to be ten per cent in Carolina without an express law does not appear. Perhaps common consent and usage, he says, had fixed that rate, for no evidence exists that there was any written law authorizing it. The reason for proscribing usury, it is stated in the act of 1721, was that "divers persons have of late taken advantage of the great necessities of the people and exacted twenty-five pounds for the loan of one hundred pounds for one year."[1]

The Assembly was as parental as it was revolutionary; not content with passing a usury law, it undertook to meddle with contracts, and in behalf of the debtor, at the expense of the creditor, to relieve against the consequences of folly and avaricious speculation. It passed a measure which formed an evil precedent, to be again followed at the close of the greater Revolution of 1776. The title of the act disclosed its character as class legislation. It was "*An act for the encouragement of Planting and Relief of Debtors.*"[2] The occasion of its enactment as given in its preamble was to relieve debtors because of the sudden fall of agricultural commodities, as rice from £4 the hundred to 40*s.*, and in the price of negroes. It recited that some had entered "into bonds for currant money at and after the rate of two hundred and fifty pounds currant money for new negroes, and others for upwards of that sum; whereas indeed new negroes are worth, at the highest price, not above thirty pounds, or thirty-five pounds proclamation money;" others it said had bought goods at £1000 and £1200 per cent on the prime cost in England and contracted for current moneys; others had taken up money at interest to pay their taxes at twenty-five per cent; that commodities had fallen seventy-five or eighty per cent in

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 197; *Statutes of So. Ca.*, vol. III, 104.

[2] *Statutes of So. Ca.*, vol. III, 105.

one year, so that those who had given their bonds for current money would be forced to pay cent per cent for the loan of such money to their utter ruin.

There was no doubt great financial confusion and distress at this time. The enormous issue for that time of £52,000 in bills of credit under the Bank act of 1712 had produced the most unfortunate results. The rate of exchange and the price of produce quickly increased. In the first year the rate of exchange advanced to 150, and in the second to 200 per cent. At this time it was about four for one. The subsequent issue of £15,000 by the legislature in 1716, to assist in defraying the expenses of the Yamassee war, had tended to further depreciation. The people lost confidence in bills of credit, the multiplication and extension of which was so easy and tempting.[1] It may have been competent, in order to remedy the evils set out in the preamble to the act we are considering, for the legislature to have pursued the course adopted in this and other States after the revolution, and in the South after the late war between the States, and to have established by law a table of depreciation, ascertaining the comparative value of these bills with sterling at consecutive dates, and allowing debts to be collected only at such rates. But it was not the purpose of the act in question to provide any such equitable measure, the benefits of which to be applicable to all persons and classes. The measure as disclosed in the title of the act was class legislation. It was like much of the legislation of the present day, avowedly not in the interest of the public at large, but, as would now be said, of "the farmers." The act purported to be for the encouragement of Planting, and relief of Debtors, and so it went on to provide, not an equitable scaling process, but for a legal tender not in

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 163.

money, but in certain specified articles in kind. It prescribed that any person who at the time of the passing of the act, or during its continuance, who was an inhabitant of the Settlement, and who should be indebted to any person, an inhabitant of the Settlement, might discharge and pay such indebtedness by the tender of certain specified things therein mentioned, *i.e.* merchantable rice in good and merchantable casks at 40*s.* per hundred, computing five score to the hundred, besides 10*s.* for each cask; merchantable pitch in good and merchantable barrels at 40*s.* per barrel; merchantable heavy drest deerskins at 8*s.* 9*d.* per pound, provided that such debt was paid off and discharged in that way before the first day of the January following, with interest at the rate of ten per cent per annum; but if not paid within the year the debtor was required to tender rice at 30*s.* per hundred and was to be allowed but 7*s.* 6*d.* for the cask, or pitch at 30*s.* per barrel, and heavy drest deerskins at 7*s.* 6*d.* per pound. The act was not, however, to be construed to apply to cases on which there had been a special agreement wherein sterling money, pieces of eight or other species of gold and silver, had been particularly mentioned. If the creditor refused the tender, the debtors might apply to a Justice of the Peace who should appoint appraisers, and if the goods tendered were approved by these, the debt was discharged.

There is more to be said for this measure, however, than one at this day might be inclined to suppose, nor was it without precedent in this and other colonies. In Archdale's time an act provided that the purchase money or rent of land might be discharged by the tender of certain agricultural commodities.[1] In consequence of the absence of

[1] *Statutes of So. Ca.*, vol. II, 96; *Hist. of So. Ca. under Prop. Gov.* (McCrady), 283.

coin or of any settled currency in America, the financial system of the early colonists was in a great measure based upon exchange in its crudest and simplest form. In Virginia, says Mr. Bruce, coin, which is just as much of a commodity as an agricultural or manufactured article, circulated in Virginia only in small quantities even after nine decades had passed since the foundation of the colony. Tobacco was the standard of value at the very time that the whole community was engaged in planting it. It was the money in which all the supplies both domestic and imported were purchased; in which the tax imposed by the public levy was settled; in which the tithables of the minister, the fees of the attorney and the physician, the debts due the merchant, the remuneration due the mechanic, the wages of the servant, the charges of the midwife, and the grave-digger were paid.[1] The same condition existed in Maryland. Tobacco was from the first almost the sole currency of that province; all dealings were founded upon it — debts, rents, fines, salaries, levies, were all paid in tobacco, and in tobacco all accounts were kept.[2] In the West Indies the currency was sugar. It was in muscovado sugar that several persons in Barbadoes paid for tracts of land in Carolina, purchased from the Proprietors.[3]

But in Carolina no commodity of agriculture or manufacture had taken the place of coin, and contracts had not been made at this time in view of any such means of payment. Sterling was the legal money of the province. The act in question was clearly in violation of contracts, and one of a nature against which the provision of the present Constitution of the United States upon that subject was

[1] Bruce's *Economic Hist. of Va.*, vol. II, 494.
[2] *Maryland Am. Com. Series* (Browne), 114.
[3] See form of receipt in Dalcho's *Ch. Hist.*, 14.

especially directed. This was rendered necessary by a repetition of this device not only in South Carolina, but in other States immediately after the revolution. Under similar circumstances Massachusetts, after the downfall of the continental paper, adopted a measure identical with that in question except in the articles of tender and payment. In 1782 it allowed for one year judgments to be satisfied by the tender of neat cattle or other enumerated articles at an appraisement. In New Jersey there was a law for paying debts in lands or chattels, which was repealed, however, within eight months of its enactment. Maryland, notwithstanding her tobacco currency, adopted a stay law from 1782 to 1784, during which a debtor might make a tender of slaves or land, or of about anything that land produced. And in this State the precedent now set was not only resorted to, but improved upon in the famous "barren land law" as it came to be called, under which the debtor was authorized to tender to the creditor such part of his property, real or personal, as he should think proper, even though it were the poorest of his estate, and the creditor was obliged to accept it at three-fourths of its appraised value.[1]

A measure of a similar character was an act for paying the public dues for which sufficient provision had not been made. By this act a tax in kind was laid of 1,200,000 pounds of merchantable rice to be paid on the second Tuesday in March, 1723; and commissioners were appointed to issue "Rice orders" upon this tax in payment of the public dues. These orders were to be current in all payments from man to man, and to be deemed sufficient tender in law at the rate of 30*s.* for each 100 weight of rice, and to be receivable for taxes.[2]

[1] Bancroft's *Hist. of the Constitution of the U. S.*, 168–172; *Statutes of So. Ca.*, vol. IV, 710. [2] *Statutes of So. Ca.*, vol. III, 112.

Notwithstanding the recent attempt of an uprising by the negroes, the Assembly reënacted a measure which had been adopted in 1708; this was "*An act for the enlisting of Such Trusty Slaves as shall be thought serviceable to this settlement in time of Alarms and for encouragement of Sailors to serve the same against our enemies,*" *etc.*[1] The preamble of the act recites the necessity in case of invasion of having the assistance of trusty male slaves, from sixteen to sixty years of age, to serve against the enemy; that it was very reasonable that such slaves should be rewarded for the good services they might do, and that satisfaction should be made to the owners of such as might be killed or maimed; the act therefore went on to provide that the company officers of the Militia throughout the Settlement should make a list of such negroes, mulattoes, mustees, and Indian slaves as they should judge serviceable for the purpose not exceeding the number of white men under the command of each respective captain nor one-sixth part of any such slaves in his division, excepting one slave which should be at the choice of his master to attend upon him at alarms. These slaves so enlisted upon an alarm were to repair to the colors of the company to which they belonged and upon actual invasion were to be accoutred and armed out of the public stores, with a good lance, hatchet, or gun with sufficient ammunition, and to be under the orders of the Governor. A penalty of £20 was imposed upon the owners who refused to send their slaves, to be distrained by one of the sergeants of the company by virtue of a warrant under the hand and seal of the captain in whose division the defaults were made.

The validity of these measures of the revolutionary

[1] *Statutes of So. Ca.*, vol. III, 108. Original act of 1708 has not been preserved. The title only is given in vol. II of *Statutes*, 327.

government it seems was questioned. Governor Glen writing, in 1749, to the Board of Trade, requests instructions as to that in regard to the courts, and in 1732, the Queen, acting as Guardian of the Kingdom, in council, confirms and ratifies another, amending the law in regard to process for debt which it was deemed advisable to maintain.[1] None other of the acts passed by this Assembly after the overthrow of the Proprietary government, were so confirmed, and as ratification was deemed necessary, in the one case, we may assume that similar action would have been taken in each other instance had it been desired to enforce them after the establishment of the Royal government which was now soon to be effected.

[1] *Statutes of So. Ca.*, vol. III, 117, 120.

CHAPTER II

1720–21

Mr. Joseph Boone, who with Mr. Berresford had been sent by the Assembly to England in 1714 to protest against the extraordinary powers conferred upon Chief Justice Trott, had remained there during the disturbed and exciting year which followed, representing the deplorable condition of affairs in Carolina caused by the Indians and pirates, seeking assistance and appealing to the Royal government to take the colony under its immediate protection. In the early part of 1720 he was joined in London by Colonel John Barnwell, the agent of the temporary government set up upon the overthrow of the Proprietors. From the arrival of Colonel Barnwell the two agents were in constant attendance upon the Board of Trade and Plantations, urging the action of that body in regard to the position of South Carolina. But it was just at the time of the wildest excitement over the South Sea Bubbles, in which some at least of the members of the Board were deeply involved, and the vast province of Carolina presented too tempting a subject for speculation to be overlooked. Indeed, James Craggs, one of the Secretaries of State who went down in the collapse, — losing at once life and reputation, — appears to have had a scheme for putting it into the South Sea stock.[1] But Boone and Barnwell were persistent in

[1] See *So. Ca. under Prop. Gov.* (McCrady), 669. The Earl of Westmoreland, President of the Board, was at the head of one of the "bubbles"

pressing upon the attention of the Board of Trade the condition of the colony and the necessity of action by the Royal government in regard to it. In this they were met by the opposing influence of the Proprietors, which was still great, — that of Lord John Carteret was especially powerful. They presented to the Royal government a petition of the inhabitants, stating that for the preservation of the colony they had been necessitated to elect James Moore as Governor, since which they had been menaced and were in hourly expectation of invasion by Spaniards, Indians, and pirates ; that they had done what they could to put themselves in a position of defence, but prayed his Majesty's protection and assistance as the Lords Proprietors' indigency or neglect had principally caused their calamities. King George at this time was in Hanover ;[1] but his Majesty having determined to avail himself of the uprising of the people in South Carolina to put an end to the Proprietary government, the Lords Justices in whose care he had left the Kingdom decided to resume the immediate government of the province.[2] On the 11th of August, 1720, an order of council was made, directing a commission to be prepared for a Governor of Carolina.[3] On the 16th the Earl of Westmoreland and other members of the Board of Trade and Plantation reported to the Lords Justices that in obedience to

for smelting copper, and through his influence the Prince of Wales was drawn in to accept the position of governor of the company. Finding the scheme illegal, his Royal Highness withdrew, but not before he had gotten £40,000 by it. John Chetwynde, another member of the Board of Trade, had a scheme which was known as "Chetwynde's Bubble." Coxe's *Lord Oxford*, vol. II., 187, 188 ; *Parl. Hist.*, vol. VII, 654, 663.

[1] He embarked on the 15th of June at Greenwich on board the *Carolina Yacht* (*Parl. Hist.*, vol. VII, 652), and returned 11th of November, 1720 (*Ibid.*, 678).

[2] *Coll. Hist. of So. Ca.*, vol. I, 252.

[3] *Ibid.*, vol. II, 142.

the order in council of the 11th inst. they had prepared a draft of a commission for a Governor of Carolina following the copy of a commission to Colonel Copley for the province of Maryland (temp. Will. 3).[1]

The reason for adopting this precedent in the draft of the commission is obvious. In this Revolution of 1719 South Carolina had indeed but followed the example of Maryland in 1690 in overthrowing the Proprietary government of Lord Baltimore, and begging William III to take the government into his hands, which William had done.[2] The cases were therefore as yet parallel. The title to the soil in Maryland had remained in the Proprietor, Lord Baltimore; as the soil of South Carolina yet remained in the Proprietors of this province, while in each instance the King assumed the government.

The Board also reported that they would prepare a draft of instruction for the person who might be appointed Governor. A curious matter here appears in their report showing that the Board were either ignorant of the condition of affairs in the two Carolinas, or were determined to ignore the action of the Governor and Council in North Carolina, in repudiating the revolution in South Carolina, and to include that colony in the Royal government as well as the latter province.

They call the attention of the Lords Justices to the fact that although Carolina was granted entire to the Lords Proprietors it was found convenient to divide it into two provinces, viz. North and South Carolina. The Governor of South Carolina had sometimes been also Governor of North Carolina, with power of appointing a deputy there. The draft of the commission which they had prepared was for Carolina in general, and they submitted

[1] *Coll. Hist. of So. Ca.*, vol. II, 142.

[2] *Am. Com. Series, Maryland* (Browne), 155.

therefore whether the person appointed should be empowered by his instructions to nominate a Lieutenant or Deputy Governor for North Carolina or whether the Lieutenant Governor should not rather be appointed by his Majesty as practised in the Leeward Islands. Messrs. Boone and Barnwell, who appear to have been cognizant of all that was going on, if not advising, were at hand no doubt to inform the Board that Governor Eden was still Governor of North Carolina under the Proprietors, unquestioned by the people of that colony. But the Board were persistent. In a communication of the 30th, submitting to the Lords Justices a draft of instructions for a Governor, they again urge the appointment of a Lieutenant Governor for North Carolina, subject to the Governor of South Carolina. They wrote: "In our letter to your Excell: of the 16th Instant which accompanied the Draught of a Commission for his Majesty's Governing Carolina, We observe to your Excellencies that Carolina was at present divided into two Provinces, and that it might in our Opinion be for his Maj$^{ty's}$ service to appoint a Lieutenant Governor of North Carolina subject to such orders as he should from time to time receive from the Governor of South Carolina as his superior officer, and this we take the liberty now to repeat as a matter wherein no time is to be lost."[1] This advice the Lords Justices did not however follow; there was no ground upon which to base the subversion of the Proprietary government of North Carolina.

In this communication of the 30th of August the Board of Trade announce that they were preparing a Representation to be laid before their Excellencies the Lords Justices concerning the state of all the British colonies on the continent of America, especially in regard to certain matters relating to Carolina and Nova Scotia, the two

[1] *Colonial Records of No. Ca.*, vol. II, 393.

frontiers of the British Empire in America to the north and to the south, which being both of them at this time in the utmost disorder, did naturally demand their Excellencies' more immediate care and protection; but in anticipation of that communication, considering the great disorder and unsettled condition of the province of South Carolina which had lately shaken off the Proprietors' government, as incapable of affording them protection, and the exposure of the inhabitants to the incursions of the barbarous Indians, to the encroachment of their European neighbors, and the danger that the whole province was lately under of being massacred by their own slaves, who were too numerous for the white men, they urged that his Majesty should forthwith send four battalions with a considerable number of great guns, and a suitable supply of warlike stores for the several forts they proposed to be built there.

The person to be appointed Governor to inaugurate the new government for his Majesty had been determined upon, before the draft of instruction for that officer had been settled. In the commission as it passed the great seal the blanks were filled up with the name of Francis Nicholson, Esq.[1]

With the exception perhaps of Sir Edmund Andros, whom it had been his fortune to follow in more than one government, General Sir Francis Nicholson had had the largest colonial experience of any person in that service. When James the Second, in 1688, ordered the consolidation of the Northern Colonies under the title of New England, and sent Sir Edmund Andros as Governor-in-chief, Francis Nicholson, then a captain of a company of soldiers sent from England, was made Lieutenant Governor of the Dominion of New York; and when Sir Ed-

[1] *Coll. Hist. of So. Ca.*, vol. II, 142.

mund upon the accession of William and Mary was deposed by the revolt in Massachusetts, and imprisoned, the Royal authority in New York devolved upon him. But his right to govern was questioned, and in the disturbances which followed he does not appear to have acted with firmness or decision. He was a stanch member of the Church of England. Of that there can be no doubt, but it was charged that in the camp of King James he had reverently kneeled at the celebration of the mass, and was now denounced as a papist in the interest of James. He quailed before the people of New York, and upon some show of resistance went off to England in 1689, abandoning the field.[1] He must, however, have successfully vindicated his conduct, for the next year he was sent as Lieutenant Governor to Virginia, under Lord Howard of Effingham, who, preferring to remain in England, drawing his salary there, the government was administered by Nicholson. In Virginia at this time he exhibited excellent qualities as a ruler. He made himself popular with the people, devoted himself to the improvement of trade and the encouragement of manufactures. He instituted public games and offered prizes to such as excelled in riding, running, shooting, wrestling, and broadsword. Most to his honor he entered heartily into the project of the College, organizing a private subscription for the purpose, to which he contributed himself £2500. William and Mary College remains a lasting memorial to his wisdom and generosity. He was relieved of this government in 1692, when Lord Howard was removed and Sir Edmund Andros sent out to Virginia as Governor.[2]

In July, 1694, Nicholson succeeded Sir Lionel Copley as Governor of Maryland. Then he was again the liberal

[1] *Am. Com. Wealth Series* (Roberts), New York, 201–204.
[2] *Virginia Am. Com. Series* (Cooke), 302.

and devoted patron of the church and the zealous friend of education, but exhibited the characteristics for which he became so well known, — hasty in temper, utterly lacking in self-restraint, imperious and arbitrary, in demeanor vain and conceited and often tyrannical. Notwithstanding his devotion to the church he became involved in conflict with Dr. Bray, the Bishop of London's Commissary in Maryland. But with all these faults there were many redeeming qualities which made him popular among those over whom he bore rule, and secured for him the respect and admiration of many of widely differing opinions and beliefs.[1]

From Maryland he was again sent to Virginia to succeed Andros. His second rule in Virginia lasted seven years, from 1698 to 1705. Here he was the same vain, conceited, passionate, and changeable character, and finally made for himself a most eccentric record, mixing up a love affair with public business, denouncing all who took part in the marriage of a young lady upon whom he had fixed his affections, and threatening to "cut the throats of three men, — the bridegroom, the minister, and the justice who issued the license." This affair was involved in a difference of another kind with Dr. Blair, the Bishop of London's Commissary in Virginia. With this clergyman Andros had also quarrelled, and it was supposed that it was through his influence Andros had been removed. But though Nicholson succeeded in dividing the clergy, Commissary Blair again triumphed and secured his removal as he had that of his predecessor Andros. And so it happened that Nicholson, whose purse and pen were ever at the service of the church, by whose munificent benefactions churches were erected and supported all along the coast from Massachusetts to Carolina, was driven from

[1] *Hist. of Am. Episcopal Ch.* (Bishop Perry), vol. I, 127.

the country by the two commissaries whose names he contemptuously remarked are "monosyllables and begin with B."[1] From Virginia he went away to fight the French in Acadia,[2] and became Governor of Nova Scotia, from which he considered himself very unjustly relieved.[3] He was in England in 1713, for in January of that year the Lords Proprietors commissioned him to come to North Carolina to inquire into the disorders then growing out of the dissensions between Hyde, Pollock, and Moseley, and the Indian uprising. But he did not come. Such, indeed, were the sad accounts which reached England, and such the indifference of the Proprietors, that for aught they knew there was not a white man left alive in North Carolina.[4]

With Andros, Nicholson had contributed to the building of the first King's Chapel in Boston. He had been instrumental in founding churches in Rhode Island, New York, New Jersey, Maryland, and Virginia, besides founding in the latter province the College of William and Mary, and the Church act of South Carolina in 1712 recites that several parochial libraries had been established in the province by the Society for the Propagation of the Gospel and by the Hon. Francis Nicholson.[5] As his advice and services had been sought in 1713 for the settlement of affairs in North Carolina, so the Proprietors and the Board of Trade had applied to him for counsel upon the rising of the Yamassees in South Carolina in 1715. He had been knighted and was now Sir Francis Nicholson.

His character reminds us somewhat of that of Chief

[1] *Hist. of Am. Episcopal Ch.* (Bishop Perry), vol. I, 121.

[2] *Virginia Am. Com. Series* (Cooke), 308.

[3] *Coll. Hist. of So. Ca* , vol. I, 277–286.

[4] Hawk's *Hist. of No. Ca.*, vol. II, 553; *Colonial Records of No. Ca.*, vol. II, 9.

[5] *Hist. of Am. Episcopal Ch.* (Bishop Perry), vol. I, 186, 217, 230, 307, 311, 323, 600, 601; *Statutes of So. Ca.*, vol. II, 375.

Justice Nicholas Trott, as well as of that of Colonel William Rhett. He had not the profound learning of Trott, nor did he in America exhibit the brilliant courage of Rhett; but like both he was a devoted churchman. If without himself the learning of Trott, he was a most ardent friend of education; and if without the dauntless courage of Rhett, he was in some respects as reckless. Time had now however cooled his temper, and he was no longer the passionate lover to embroil his government with the affairs of his heart. Such was the man who was selected to inaugurate the Royal government in South Carolina.

The essential difference between the Proprietary government on the one hand, and the Royal government on the other, was in the fact that in the former the patent or charter was definite, certain, and unchanging, while in the latter the scheme of government prescribed in the instructions to Governors was dependent entirely upon the pleasure of the Crown as expressed from time to time through the Board of Trade and Plantations. In the former the charter was at once a grant and an assurance of the power and right of rule granted by the Crown to the Proprietor, and a limitation upon that power in favor alike of the royal authority which granted it, and of the people over whom it was to be exercised. It gave the Proprietors the right to rule and govern under certain restrictions and limitations, and while these terms were observed the power was regarded as irrevocable. If they were violated, the charter was forfeited. The remedy in such case against the grantees who abused the power was by legal proceedings to forfeit the charter for its violation. In a Proprietary government there was thus a definite written law governing the three parties to it, *i.e.* (1) the King who granted it, (2) the Proprietors to whom it was granted, and (3) the people over whom it

was to be exercised. In the Royal Colonial government there were but two parties: (1) the Crown, and (2) the colonists, and between these there was no charter or agreement. The government was such as the King for the time being, and for his present pleasure, might prescribe and impose.

At the instigation of the King's officers, and with the Royal connivance, the people had risen and overthrown the Proprietary government, and had appealed to the King to be taken under his Majesty's immediate care and government. His Majesty had listened to their appeal and had taken them under his protection. He had selected the person whom he would appoint, and had commissioned him as Governor. The next step was to determine the scheme of government he was to inaugurate. This matter was referred to the Board of Trade and Plantations with directions from the Lords Justices to hasten their report.[1] In the preparation of this report Mr. Boone, Colonel Barnwell, and Sir Francis Nicholson, who were in attendance, were consulted from time to time, and answered inquiries addressed to them. Colonel Barnwell appears to have been particularly consulted in regard to posts to be established on the Altamaha, to protect the province against the Spaniards, French, and Indians on the south and west.[2]

The scheme of government thus prepared was in the form of "*Instructions for Francis Nicholson, Esq., as his Majesty's Captain General and Commander in Chief over the province of Carolina.*" It was comprised in ninety-six sections. These instructions remained the basis of instruction to all subsequent Governors of the province under the Royal government. A sketch of its principal provisions is neces-

[1] *Coll. Hist. of So. Ca.*, vol. II, 142.
[2] *Ibid.*, vol. I, 253, 254; vol. II, 142, 143.

sary to the understanding of the history of the Royal government, and of the issues which arose under it.[1]

The Governor was required to appoint a council not exceeding twelve, and to transmit their names and qualifications. To this council he was to administer the oaths and to communicate his instructions. The members of this council were to have freedom of debate and vote. A list of twelve persons was to be nominated as fitting to supply contingent vacancies in the body. The councillors were to possess certain qualifications. This number was not to be augmented or diminished. Following the precedent under the Proprietary government the number of three was constituted a quorum, still the Governor was not to act with a less quorum than five except upon extraordinary emergencies. Councillors wilfully absenting themselves were to be suspended.

It is evident that it was not intended in setting up the Royal government to change and overturn all that had existed under the Proprietary rule. The frame of government as it previously existed was to be retained except wherein it was by their instructions especially modified. Thus the only instruction in regard to the constitution of the Assembly was that the members should be elected by freeholders only. The system of representation and the election law under the act of 1716 were not changed.

The style of enacting laws, or as it would be now stated, the form of the enacting clause of statutes, was prescribed. The passing of bills of an unusual or extraordinary nature was to be suspended till his Majesty's pleasure should be known, or a saving clause to be inserted; existing laws were to be examined and revised. The Governor was required to send copies of all laws for the inspection of the Royal government, with dates of passage and of approval,

[1] *Coll. Hist. of So. Ca.*, vol. II, 145.

together with observations and reasons for their enactment. The qualification of jurors was prescribed. Oaths were to be administered, touching the succession of the Crown. In all acts for levying money or imposing fines and penalties it was to be expressly declared that the same was reserved to his Majesty. Gifts and presents to the Governor were prohibited; a suitable salary was to be provided for him and for other officers. In case of the absence of the Governor, one-half his salary was to be paid to the acting Governor. The Governor was not to come to England without leave; but if sick might remove to New York, or some other convenient spot for a change. In the event of his decease or absence, and no one being commissioned in his room, the eldest councillor should take upon himself the administration, but was to pass no acts but such as were immediately necessary. Then followed a provision which in view of what subsequently took place is important. It charged the Governor not to permit any clause to be inserted in any law for levying money or the value of money, whereby the same should not be made liable to be accounted for with his Majesty in the Kingdom and to the Commissioners of his Majesty's Treasury or to the High Treasurer of Great Britain for the time being. Books of account of receipts and payments were to be kept, which were to be forwarded every half year or oftener. No public money was to be disposed of otherwise than by warrant under the Governor's hand and with the advice of the Council.

Laws under the Proprietary government had usually been made of force, but for twenty-three months. For the future no laws were to be enacted for a less time than two years. Repealed acts were not to be reënacted without the express leave of his Majesty.

The Royal government had been very ready to accept

the action of the colonists in overthrowing the Proprietors' rule, but it did not intend to allow them to suppose that in doing so they had acquired any peculiar political rights or liberties. The colonists had exchanged masters; they had made no gain in political freedom. Of this fact the instructions of the Royal Governor left them in no doubt or uncertainty. In three particulars the curb was put sharply upon them. These restrictions were prescribed in the 35th section. It is as follows:[1]—

"35. And whereas the members of several assemblies in ye Plantations have of late years assumed to themselves Privileges no ways belonging to them, especially of being protected from suits at law during the time they remain of the assemblies to the great prejudice of their creditors, and the obstructing of Justice. And some others have presumed to adjourn themselves at pleasure without leave of his Majesty's Governor first obtained. And others have taken upon them the sole framing of money Bills refusing to let the council alter or amend the same, all which are very detrimental to his Majesty's prerogatives. If upon your calling an assembly in Carolina you find them insist upon any of the above s[d] Privileges you are to signify to them that it is his Majesty's express will and pleasure that you do not allow any protection to any member of the council or assembly further than in their persons, and that only during the sitting of the assembly and that you are not to allow them to adjourn themselves otherwise than *die in diem* except Sundays and Holidays without leave from you. And that the council have the like power of framing or allowing money bills as the assembly," etc.

There was certainly nothing unreasonable in the restriction of the privilege of protection from suits of members of the Assembly to these persons, and that only during the sitting of the Assembly; but the other two prohibitions were serious impairments of legislative privileges as existing in the Parliament at home — the model of this. The distinction in England between an adjournment and

[1] *Public Records*, MS., vol. VIII, 114.

a prorogation was that one was the act of the legislative body — the Lords or Commons ; and the other the act of Royal authority. The adjournment was nothing more than a continuance of the session from one day to another, or for a certain limited time, — a number of days, — and though it was usual for the Houses to adjourn at the request of the King, as his Majesty could always enforce his wishes by a prorogation if refused by the Houses, yet an adjournment was still in the volition of each House. The prorogation was the continuance of the Parliament from one session to another by the act of the King, the effect of which was at once to suspend all business until Parliament should be summoned again.[1] It was then in the power of the Royal authority at any time to put an end to a session by proclamation, and to say when the Parliament should meet again ; but it was a decided curtailment of the powers of the Assembly of South Carolina when that body was prohibited from adjourning otherwise than from day to day and except for Sundays and holidays, without leave of the Governor.

The third provision in this section was radical and must have been intended to intimate at the outset of the Royal government that the colonists in Carolina were not to presume to claim the rights and privileges of Englishmen at home. It was the ancient, indisputable privilege and right of the House of Commons that all grants and subsidies should begin in the House. The Commons in England were so jealous of this privilege that since the Restoration they had refused to permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a money bill, under which appellation were included all bills by which taxes were levied or money raised. This provision in the instructions of

[1] May's *Law and Practice of Parliament*, 43.

the Governor at once recognized the council as a legislative body, and not a mere advisory board, — an Upper House, — and prescribed that unlike the House of Lords in England it should have the right and power to originate measures of taxation. It is well to mark and understand the purpose and effect of these provisions of the Governor's instructions, as in the history of the Royal government it will be found that questions were continually arising in regard to them.

For the present no changes were to be made in the courts or judges, but a particular account of all establishments of jurisdiction courts, offices and officers, fees and privileges, were to be sent to the Board with a list of officers employed under the government. Life and property were not to be taken otherwise than by established laws. Writs were to be issued in the King's name. Frequent courts were to be held and justice administered without delay or partiality. Appeals in civil causes were to lie in cases of error to the Governor and Council, with liberty under certain provisions to appeal from the decision of the Governor and Council to the King. Pirates seized were to be sent to England.

Liberty of conscience was permitted to all persons except papists. Religion in accordance with the observances of the Church of England was to be established, churches to be improved, maintenances and houses to be allotted for ministers, who were to have a certificate from the Bishop of London or some other Bishop. Ministers officiating without license were to be reported. The jurisdiction of the Bishop of London was definitely settled in the province, and schoolmasters coming from England were to be licensed by his Lordship. Other schoolmasters were to obtain the Governor's license. A table of marriages was to be hung up in every church. Drunken-

ness and other vices were to be discountenanced and punished. Inhuman severities were to be prevented, and encouragement given to the conversion of negroes and Indians to the Christian religion.

Martial law was not to be put in force without the consent of the Council. Care should be taken that militia marches and musters should not unnecessarily impede the affairs of the inhabitants. Inventory of arms, ammunition, and stores to be transmitted home, and storehouses for arms to be provided. The Governor was to prepare an account for his Majesty of the state of defence of the province. Surveys of landing-places and harbors were to be made and fortifications erected where necessary.

Entries of exports and imports and naval officers' accounts were to be sent to England. The Governor was to give an account of the neighboring colonies and the correspondence held with them. Justice was to be done to the Indians, their affections gained, and the Indian trade regulated. Commodities were not to be engrossed.[1] Merchants and other traders to be encouraged. Payments were to be duly made for negroes, accounts of their importations to be sent.

The Governor was to give an account of the wants and defects of the province and suggest improvements. Instructions were given controlling the issue of commissions of marque and reprisals and of privateers. In all cases not provided for by the instructions, the Governor was to act by the advice of the Council. He was forbidden under any color of power whatsoever to proclaim war without his Majesty's consent unless it be against Indians or in emergencies.

[1] *Engross*, to buy up in large quantities in order to raise a demand and sell again at a higher price, to forestall, to monopolize. — *Blackstone.* In the parlance of this day, to create "a corner."

Such was the scheme of government prescribed by the Royal authorities, and under which the province of South Carolina was to be administered for a period of a little over fifty years.

Sir Francis Nicholson's commission and instructions were approved by order of Council of the 20th of September, 1720, and on the 27th he was sworn as Governor of South Carolina.[1] He did not come out, however, for several months after, but he was not idle during that time. He appears to have continued in attendance upon the Board of Trade with Mr. Boone and Colonel Barnwell in consultation about the affairs of the colony, providing for its security and endeavoring to secure military supplies. It was proposed to establish a fort on the Altamaha as a protection against the Spaniards, French, and Indians, and to garrison it with an independent company of one hundred men. The most material information upon this subject was furnished by Colonel Barnwell, but as General Nicholson intended to supervise that business himself, it was not deemed best to cumber him with instructions.[2]

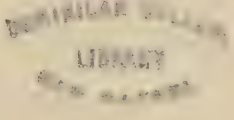
In the meanwhile the Carolinians were waiting in great anxiety the new Governor's arrival. James Moore, the temporary Governor, and his Council write December 21, 1720, to Mr. Boone that they are of opinion that most of the differences between the Lords Proprietors and the inhabitants had been occasioned by the misrepresentations of Colonel Rhett and his brother-in-law, the late Judge Trott, and again on the 19th of January, 1720–21, they write of the great joy of the province of the news of his Excellency, Sir Francis Nicholson's coming the next month, and desire that Colonel Rhett, that enemy "to his

[1] *Coll. Hist. of So. Ca.*, vol. II, 150.
[2] *Ibid.*, 148.

country and detestable reviler of mankind," may be removed from his office of surveyor and comptroller of his Majesty's customs.[1]

Governor Nicholson arrived at last on his Majesty's ship the *Enterprise* on the 22d of May, 1721.[2]

[1] *Coll. Hist. of So. Ca.*, vol. I, 231.
[2] *Ibid.*, 232.



CHAPTER III

1720–22

Governor Robert Johnson, the last Proprietary Governor, had not acquiesced in the establishment of the revolutionary government under James Moore. He had from time to time asserted the authority of the Proprietors by appointing officers when opportunity offered and persons could be induced to accept his commissions. In March, 1720–21, Captain Hildesly, of his Majesty's ship the *Flambourgh* stationed at Charles Town, had taken a commission from him as Colonel of the Militia of Berkeley, which caused great uneasiness; and as late as the 9th of May he had given notice to Governor Moore of his intention to resume the government for the Proprietors.[1] But upon the arrival of Sir Francis Nicholson on the 22d with a commission from the King he submitted, and recognizing the Royal authority abandoned all efforts in behalf of their Lordships.

The people in general, says Hewatt, congratulated one another on the happy change, and received Sir Francis with the most uncommon and extravagant demonstrations of joy. Murmur and discontent, together with fears of danger and oppression, were now banished from the province. Happy under the Royal care, they resolved to forget all former animosities and divisions, and bury all past offences in eternal oblivion. They vied with each other to show who should be the most faithful subject of his Majesty and the most zealous in promoting the union, peace, and prosperity of the settlement. From a convulsed and

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 232–256.

distracted state they now looked upon themselves as happily delivered, and anticipated in imagination all the blessings of freedom and security followed by industry and plenty approaching, and, as it were, ready to diffuse their happy influence over the country.[1]

Colonel John Barnwell returned with Governor Nicholson and was at once sent by him to establish a fort on the Altamaha. He was commissioned commander of the Southern forces, and orders were issued for the delivery to him of four field pieces with powder and stores. Governor Nicholson, as we have seen, had intended himself to supervise the establishment of this outpost; but finding civil affairs pressing, he turned over this matter to Colonel Barnwell, and devoted himself to the settlement of the new administration.[2] He was evidently much pleased with his reception and with the country. On the 20th of July he writes to Allured Popple, Secretary of the Board of Trade, that before the breaking up of the Assembly which he had called, he trusted that all affairs, either civil, ecclesiastical, or military, would be settled for his Majesty's interests as well as for that of the Lords Proprietors.[3]

Soon after his arrival he had issued writs for the election of a new Assembly, upon the meeting of which the members entered with zeal and cheerfulness upon the affairs of the province. They chose James Moore, their late Revolutionary Governor, Speaker of the House of Assembly, of which choice Sir Francis Nicholson exercising the Royal prerogative declared his entire approbation. Their first measure was to pass "*An Act for a most joyful and just Recognition of the immediate, lawful, and undoubted Succession of His Most Sacred Majesty, King*

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 296.

[2] *Coll. Hist. Soc. of So. Ca.*, vol. I, 232, 257, 258. [3] *Ibid.*, 260.

GEORGE, to the Crown of Great Britain, France, and Ireland, of the Province of South Carolina, and all His Majesty's Dominions." By this act, in the most extravagant language, they declared the unspeakable rejoicing of the people in demonstrating their love, zeal, and affection for his Most Sacred Majesty, and their recognition of him as their sovereign King.[1] Their next was to discontinue and put a stop to all suits at law growing out of Moore's administration of the temporary government until his Majesty's pleasure should be known in regard to them; by another act all judicial proceedings and executions for levying taxes, etc., under that administration, were confirmed.[2] These acts were deemed proper and necessary for the restoration of harmony and tranquillity among the people, and tended greatly to restore peace among the hitherto warring factions.

Then turning to subjects of ordinary legislation a quarantine act was passed;[3] one regulating the recovery of small debts;[4] and another, the reorganizing the Court of Chancery.[5] The act of usury passed under Moore's administration was reënacted.[6] Then the Assembly passed to the more important subject of elections and revised the acts of 1716 and 1719 upon the subject, which had been one of the principal causes which led to the overthrow of the Proprietary government, and curiously enough the act now passed was to be the subject of the first serious difference with the Royal government they were now so joyfully proclaiming.

Following the act of 1716 and that of 1719 the church wardens were made the managers of elections, or in case there should be no church wardens the Governor was to name such persons for the purpose as he should think fit.

[1] *Statutes of So. Ca.*, vol. III, 125. [2] *Ibid.*, 125, 127.
[3] *Ibid.*, 127. [4] *Ibid.*, 131. [5] *Ibid.*, 132. [6] *Ibid.*, 132.

Every person empowered to execute writs of election — warden or other appointed — was required to be sworn by a Justice of the Peace faithfully to do so. The practice which grew up under this clause was the cause of offence to Governor Boone in 1762. Notice of elections was to be given at the door of each parish church two Sundays before the time appointed. The qualifications of electors were modified. Under the act of 1716 a residence in the province of six months before the election and a personal property ownership to the value of £30 current money were required. Under this act it was required that the voter should have been a resident and an inhabitant of the province one year before the election, and to have held a freehold of at least fifty acres of land or been taxed the preceding year 20*s.* to support the government. Under the act of 1716 the qualifications of a member of the House of Assembly had been that he should be the owner of £500 in personal property or 500 acres of land. Under this act the qualifications prescribed were a residence in the province of twelve months before the election and property ownership in one's own right of a settled plantation or freehold of 500 acres of land, and ten slaves or personal property to the value of £1000. The manner of conducting elections was not materially changed. The polls were not to continue more than two days. The electors were to be enrolled in a book or roll to be provided by the church wardens, and the voting was to be by ballot in the manner, and under the same restrictions, as prescribed in the acts of 1716 and 1719. The representation of the parishes was left as prescribed in the act of 1719. The Commons' House of Assembly was to consist of thirty-six members, to wit: St. Philip's five members, Christ Church two, St. John's three, St. Andrew's three, St. George's two, St. James's Goose Creek, four, St. Thomas's and St.

Dennis's three, St. Paul's four, St. Bartholomew's four, St. Helena's four, St. James's Santee with Winyaw two. The members of the House were to have the same powers and privileges as formerly, provided they did not conflict with his Majesty's instructions. Persons entitled to vote were not liable to arrest on their journey to or on their return from the place of election.[1]

An act was passed regulating the Indian trade by which unlicensed persons were prohibited from trading with Indians except with certain nations or tribes who were deemed resident in the settlement. Colonel William Bull, George Chicken, and John Herbert were appointed Commissioners of the Trade.[2] By another act the Hon. Francis Yonge and John Lloyd, Esq. were appointed agents to transact and solicit the affairs of the province in England, and Arthur Middleton, Ralph Izard, Richard Allein, Thomas Hepworth, Charles Hill, and Andrew Allen a Committee of Correspondence with them.[3] To these William Blakeway, Richard Berresford, and John Barnwell were added by ordinance of September 21st.[4] Alexander Parris was declared Public Treasurer, John Brown Comptroller, and Colonel Michael Brewton Powder Receiver.[5] The Royal government thus allowed the choice of these officers by the Assembly — a matter which had caused so much controversy with the Proprietors.

It was estimated that the sum of £32,243 19*s.* 6*d.* was necessary to provide for the current expenses and public debts of the province. Of this sum it was computed that duties arising from the exports and imports of the province would amount to £7995 19*s.*, which appropriated to the discharge of the public debt would leave the sum to be provided for the present year £24,248 6*d.* There

[1] *Statutes of So. Ca.*, vol. III, 135. [2] *Ibid.*, 141.
[3] *Ibid.*, 146. [4] *Ibid.*, 157. [5] *Ibid.*, 148.

remained in the hands of the commissioners £7000 of the £15,000 of Rice bills, and these applied to the debt would reduce the amount to be raised otherwise to £17,248 6*d*. To meet this last amount an act was passed imposing a tax on land and negroes. This act we shall soon see repealed by the Lords Justices in England by an order in council August, 1723.[1]

The Assembly, after passing "*An act for granting to His Majesty a duty and imposition on Negroes, Liquors, and other Goods and Merchandise imported into and exported out of the Province*," [2] adjourned and met again in January, 1721–22, but did little business, adjourning from time to time. Its principal measure was an act setting off from St. James, Santee, the settlement at Winyaw, in Craven County, into a distinct parish by the name of Prince George's Parish.[3]

Elaborate and particular instructions to Francis Yonge and John Lloyd, the agents of South Carolina, were prepared. Upon their arrival in England they were to wait upon Lord Carteret, and if the title to the soil had not been vested in his Majesty they were to represent the difficulty in settling the frontiers until this was done. But this difficulty was not to be speedily removed. The Provisional government which Sir Francis Nicholson was now inaugurating was to continue for seven years, while negotiations between the Royal government and the Proprietors were being carried on for this purpose, and not even at the end of that time was a complete surrender to be made, Lord Carteret, to whom the agents were thus particularly instructed to apply upon the subject, even then refusing to join in the surrender of his territorial rights under the charter.[4]

[1] *Statutes of So. Ca.*, vol. III, 149–157. [2] *Ibid.*, 159. [3] *Ibid.*, 171.
[4] *So. Ca. under Prop. Gov.* (McCrady), 679, 680.

The agents were instructed to set forth the necessity of a military force to secure and defend the frontiers. They were to endeavor to have rice taken off the enumerated list in the Navigation acts, and also the duty upon cedar timbers; they were to obtain, if possible, a bounty to be allowed upon silk of Carolina manufacture. If North Carolina fell into the King's hands, they were to represent the necessity of its being a dependent government upon the government of South Carolina by showing how much their province suffered by the running away of slaves and inhabitants to North Carolina where they were succored. In case it was to continue a distinct government, then measures should be taken to settle the boundaries between the two provinces. They were to request the King's picture and arms to be sent for a public building in Charles Town; also a set of plate altar pieces, etc., for the new church, St. Philip's, which they were to pray might be called St. George's Church. Then the instructions touched a subject about which there was to be a bitter controversy. They were to ask that leave might be given to incorporate Charles Town, as near as might be agreeable, to the charter of the city of New York. Then followed instructions upon many other subjects not necessary to be mentioned.[1]

These instructions were received in London early in May and communicated to Lord Carteret on the 9th of that month.[2] But Governor Nicholson, with whom the incorporation of the town appears to have been a favorite measure, and the Assembly did not wait to obtain the permission they requested for leave to incorporate it. They proceeded at once to do so, and on the 23d of June, 1722, passed an act for the purpose entitled "*An Act for the Good Government of Charles Town.*"[3]

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 260. [2] *Ibid.*
[3] *Statutes of So. Ca.*, vol. III, 179.

No copy of the text of this act has been preserved, but from minutes of amendments proposed, found in the Commons' journal of the 15th of June, 1722, and occasional allusions to it, we learn that by it the name of the town was changed to that of *Charles City and Port;* there was to be an annual election of a Mayor on the King's birthday. The Mayor and Aldermen were to constitute a General Court with municipal and legislative as well as judicial powers in certain causes. They were to regulate the markets and fairs in the town which were authorized by the act, the first of which was to be kept on the first Tuesday in May and another on his present Majesty's coronation day, the 20th of October, so zealous was the Assembly to impress royalty upon every measure. This city government was actually installed, and was in operation for a year when it was repealed by order of the Lords Justices in council the 27th of June, 1723. William Gibbon appears to have been elected Mayor by the Council and House and to have entered upon his duties. As Mayor of Charles City he makes representation to the Council of the desire of the General Court at their own expense to erect a market place. And the Governor sends a message to the Assembly proposing that the sword of State which had been purchased by the country and usually carried before the Governor of the Proprietors, but which he did not think was proper to be used by any of his Majesty's Governors, with the consent of his Majesty's Council and that of the House, should be given to the corporation of Charles City and Port to be carried before the Mayor, which suggestion he supposes will be approved as both Houses were so sensible of Mr. Gibbon's qualifications that they had unanimously chosen him as the first Mayor. The proposition was agreed to.

The congregation of St. Philip's first worshipped in

the new brick church (which had been begun in 1710, and was just now completed) on Easter Sunday, 1723, whereupon it was ordered by the Assembly that the old church and churchyard should be given to the corporation of Charles City for the holding of their General Court and for public uses — all persons nevertheless being at liberty to be buried in the churchyard near their relatives.

But the sword of State had not long to bear the ignominy of this degradation from a provincial to a municipal position; the passage of the act was bitterly resented, and appeals were at once made both at home and in England for its repeal. A petition was addressed to the Hon. James Moore, Speaker, and the rest of the Commons' House of Assembly by persons claiming to be the major part of the inhabitants of the town against it, and praying its repeal. In the signatures to this petition which have been preserved there are one hundred and twenty names, more than half of which are French, many being those of the Huguenot families who were to be most conspicuous in the colony, — Henry Peronneau, John Simmons, Peter Manigault, John Laurens, Solomon Legaré, Jean Bonnetheau, Joel Poinsett, Isaac Mazyck, and others. There are a few names of prominent English colonists, as Samuel Everleigh, one of the Council, Francis Holmes, John Grimball, and others; but besides these there are none of the names which we should expect to see to a petition of such consequence if the measure was an unpopular one.[1] And this Governor Nicholson was quick to point out.

His Excellency was incensed at the opposition, and flew into one of the passions for which he had been noted in his younger days. He sent a message to the Assembly, contemptuously alluding to the signers of the petition as

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 265, 266.

strangers, sailors, convicts, and keepers of punch-houses. He pointed out that the opposition came from the country and not from the townspeople. But this could only have been true in part. The Huguenots whom we have mentioned were citizens of the town. Mr. Everleigh occupied too high a position to be put down by the ill temper of the Governor. He insisted that the townspeople had been surprised into the law, and in behalf of Eleazar Allen and himself and other inhabitants he had a memorial presented to the Lords Commissioners of Trade by Mr. Richard Shelton, who having been heard for the memorialists, and Mr. Yonge, agent of Carolina, against it, the Lords of Trade recommended to the Lords Justices that the act should be repealed, which was ordered by their Lordships on the 27th of June, 1723.[1]

By his instructions Governor Nicholson was to erect no new Courts of Judicature nor to displace any judge without good cause. But this was not construed to prevent a reorganization of the Court of Chancery, nor the providing for County and Precinct courts of limited jurisdiction.

The Governor and a majority of the Council were empowered to hold a Court of Chancery, writs and process of which should be issued by the Register. The issuing of injunctions was regulated. The court was always to be open for the dispatch of matters relating to the forwarding and finishing of causes; but special court days were appointed for their full and solemn hearing. A list of all causes to be heard was to be posted at the public watch-house. As the Chief Justice was *ex officio* a member of the Council, to avoid the scandal of a recurrence of his sitting in Chancery to hear injunctions against himself as a law judge the act provided that no justice or judge of any court within the province should have a

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 264, 266; Trott's *Laws*, 397.

vote in the Court of Chancery in cases pending before him at law. Appeals from judgments in this court to his Majesty in Privy Council were allowed and regulated.[1]

The preamble to the act establishing County and Precincts courts which was passed the 21st of September, 1721, recited the great charge and burden to the inhabitants of the province to be obliged to repair from all parts of the country to one General Court at Charlestown for the trial of all causes whether civil or criminal. Among the chief causes of complaint against the Proprietary government was its insistence through the influence of Trott and Rhett upon holding all elections and all courts in Charlestown. To vote or to obtain justice the colonists, no matter where living, had to come to town. The evil in regard to elections had been remedied at the cost of the colony to the Proprietors. The other evil was not gotten rid of during the Royal government. The emoluments of the offices of provost marshal and clerk seized upon by the Crown were held as greedily as under the Proprietors. This influence at London we shall see baffling all attempts to bring justice to the doors of the people in Carolina. The attempt was made, however, under Nicholson, in some degree at least, to remedy the evil. The act provided that a Court of Pleas, Assize, and goal delivery should be established in Berkeley County at the place called Wassamasaw in the parish of St. James, Goose Creek. To this precinct St. George's and St. James's parishes were annexed; another was to be established at a place called Echaw in the parish of St. James, Santee, in Craven County, at which court all the inhabitants of Craven County should be attendant; another at Willton in Colleton County; another at Beaufort Town in Granville County; and another to be

[1] *Statutes of So. Ca.*, vol. VII, 163.

called the Wando Precinct at which the parishes of St. Thomas and St. Dennis and Christ Church should be attendant. These courts were to be held by five magistrates to be appointed by the Governor, the first named to be president. They were to meet quarterly and to sit three days. Their jurisdiction was not to extend to life or limb in criminal cases; nor to exceed £100 sterling in civil causes. General jurisdiction was still restricted to the court in Charlestown to which appeals lay from these Precinct Courts. There were no sheriffs to draw juries for these courts, and recurrence was had to the military organization for this purpose. The militia captains of companies in the several parishes were to furnish lists of their men from which jurors were to be drawn. These courts were to have jurisdiction to license taverns and public houses, and to suppress them if they entertained servants, negroes, drunkards, lewd and disorderly persons, or if liquor was sold in them on Sunday or during divine worship. They were empowered to sue for legacies, gifts, and donations to free schools; to administer estates of persons dying intestate; to take orders concerning orphans' estates, and to appoint guardians. They were to inspect the accounts of the church wardens and to see that the poor were sufficiently provided for by them. In these courts any person might plead his own cause.[1] The courts established by this act went into general operation; but as they were held by persons not trained to the legal profession, and their jurisdiction was so circumscribed, the tendency still was for the General Court in Charlestown to absorb all business.[2]

This act was soon followed by another of the 23d of

[1] *Statutes of So. Ca.*, vol. VII, 166.

[2] *Administration of Justice in So. Ca.* (H. A. M. Smith); *Year Book City of Charleston* (Courtenay), 1885, 322.

February, 1722, further regulating the proceedings of these courts and empowering them to purchase lands and to build court-houses, and for this purpose to assess and levy a charge. No court-houses were, however, built by them. They were also empowered to purchase land and to build a free-school house thereon in each precinct, and to nominate and appoint the schoolmasters. The act went on to recite and provide that as the stipend allowed to schoolmasters was too small, to the intent that good and able schoolmasters might be encouraged to come and settle in the precincts, schoolmasters qualified according to his Majesty's instructions and recommended by the Governor and Council, to be skilled in the Latin tongue, and approved by the justices of the court, and actually living and residing within the limits of the county and precinct should receive yearly from the Treasurer each £25 to be levied by the justices of the courts who were given the same powers as the Commissioners of the free school in Charlestown. Each schoolmaster was to teach ten poor children gratis yearly if sent by the justices. To the two free schools established under the Proprietary government,[1] one in Charlestown, and one in Goose Creek, others were now provided at Wassamasaw, Echaw, Willton, Beaufort, and Wando.

Another important measure of Governor Nicholson's administration was the revision of the slave code. The act of 1722 was a codification of all previous enactments upon the subject.[2] Hildreth, the historian, commenting upon the enactment of 1712 in Pennsylvania and Massachusetts, imposing prohibitory duties upon the importation of Indian and negro slaves, observes,[3] "cotemporaneously

[1] See *Hist. of So. Ca. under Prop. Gov.* (McCrady), 510, 511.

[2] *Statutes of So. Ca.*, vol. VII, 371.

[3] Hildreth's *Hist. of U. S.* (1840), vol. II, 271.

with these prohibitory acts of Pennsylvania and Massachusetts, the first extant slave law of South Carolina was enacted and became the basis of the existing slave code of that State." He gives the preamble of the act, which is as follows : —

"Whereas, the plantations and estates of this Province cannot be well and sufficiently managed and brought into use without the labor and service of negroes and other slaves; and for as much as the said negroes and other slaves brought unto the people of this Province for that purpose are of barbarous, wild, savage natures and such as to render them wholly unqualified to be governed by the laws, customs, and practices of this province, but that it is absolutely necessary that such other constitutions, laws, and orders should in this Province be made and enacted for the good regulating and ordering of them as may restrain the disorders, rapines, and inhumanity to which they are naturally prone and inclined, and may also tend to the safety and security of the people of this Province and their estates, it therefore enacts," etc.

Then follows an analysis of the act in which the objectionable features are set forth, — "South Carolina it thus appears," continues the historian, "assumed at the beginning the same bad preëminence on the subject of slave legislation which it still (1840) maintains." The fact is that this preamble, as well as many of the provisions of the act thus criticised, were taken *verbatim* from the Barbadian statute of 1688, and were not declarations and measures entitling South Carolina to preëminence either for good or evil over other slave-holding communities. The act of 1712 was not "the first extant slave law" of the province, as the historian alleges, nor was it the basis of the slave code of the State which existed in 1740. The basis of that code was the code brought over with the first colonists from Barbadoes,[1] and formulated upon the Barbadian statute of 1688 as above. Had the author but turned

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 234, 357-360, 362, 363.

the next page of the volume from which he extracted the provisions of the law he so condemned, he would have found enactments of but two years after — *i.e.* 1714 in the same direction as those of the two northern provinces which he was commending. The act of 1714 reciting the dangerous increase of the number of negroes in proportion to the whites imposed a duty of £2 current money upon every negro over twelve years of age imported from Africa.[1] And had he further searched he would have found the effort to check the importation of negroes continued by various enactments, until prohibited by the Royal government at the instance of London merchants. In 1716 provision had been made requiring every planter to have one white servant for every ten negro slaves;[2] and by another act a duty of £3 per head was laid upon all negroes imported from Africa and £30 per head upon all negroes imported from any of the colonies.[3] In 1719 the duty upon those imported from Africa was increased to £10 per head, and that of £30 per head continued upon those from the other colonies.[4] In 1721 the same duties were imposed.[5] In 1722 the duty upon negroes imported from Africa was the same as in the previous year, — £10 per head, — but the duty upon those brought from other parts of America was increased to £50 per head.[6] The reason given for this discrimination is that the negroes imported from the other colonies were either transported thence by courts of justice or sent off by private persons for their ill behavior.[7]

There is a significant omission in the act now passed. In the Fundamental Constitutions of Locke of 1669, two

[1] *Statutes of So. Ca.*, vol. VII, 367.
[2] *Ibid.*, vol. II, 648.
[3] *Ibid.*, 651.
[4] *Ibid.*, vol. III, 56.
[5] *Ibid.*, 160, 161.
[6] *Ibid.*, 194, 195.
[7] *Ibid.*, 161.

years before the first negro slave was brought into the colony, it had been provided that "*every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religion so ever.*" As elsewhere observed, the significance of this provision was not in the recognition of slavery as an institution in the province, — that was assumed, — nor yet in the absolute power it proposed to give to the freeman over his slave, great as that was, but in the last words wherein it was intended to provide against the effect of the possible conversion and baptism of the negroes.[1] Lord Hardwicke has left the explanation of this provision. In delivering the opinion in a case before him[2] he says: "There was once a doubt whether if they (negro slaves) were christened they would not become free by that act, and there were precautions taken in the colonies to prevent their being baptized till the opinion of Lord Talbot and myself, then Attorney General and Solicitor General, was taken on that point. We were both of opinion that it did not alter their state." In South Carolina there had been no such provision to prevent the baptism of negroes. On the contrary, open and public effort, however inadequate, was made for their conversion. The Rev. Samuel Thomas, the first missionary sent out by the Society for the Propagation of the Gospel, who ministered at Goose Creek, reported that he had taken much pains in instructing negroes, and had taught twenty-three of them to read. The Rev. Mr. Le Jau, who succeeded him, wrote that the parents and masters were inclined with much good will to have their children and servants taught the Christian religion. He instructed and baptized many negroes and Indian slaves. The Rev. Mr. Taylor, missionary in St. Andrew's, wrote

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), *supra.*

[2] *Pearne* v. *Lisle*, Ambler's Reports (1749), 77.

to the Society (1713) that Mrs. Haig and Mrs. Edwards had taken extraordinary pains to instruct a considerable number of negroes in the principles of the Christian religion, and to reclaim and reform them: that upon examination fourteen of these had so satisfactorily explained the chief articles of religion and rehearsed the Creed, the Ten Commandments, and the Lord's Prayer that he had thought it his duty to baptize them on the Lord's day. The Rev. Mr. Varnod reported that he had fifty communicants, of whom seventeen were negroes, and had baptized several grown persons, besides children and negroes belonging to Mr. Alexander Skene: that in 1733 out of thirty-one communicants in his parish nineteen were negroes. Mr. John Morris of St. Bartholomew's, Lady Moore, Captain David Davis, Mrs. Sarah Baker, and several others of Goose Creek, Landgrave Joseph Morton and his wife of St. Paul's, Mr. and Mrs. Skene, Mrs. Haig, and Mrs. Edwards are recorded as most zealous in encouraging the instruction of their slaves as early as 1711.[1]

But while encouraging the religious education and conversion of the negroes and allowing it openly to be carried on, the legislature had, in the act of 1712, made this express provision to guard against the danger which Lord Hardwicke states was supposed to exist, and which the Fundamental Constitution had endeavored to avoid. The act provided:[2] —

"XXXIV. Since charity and the christian religion which we profess obliges us to wish well to the souls of all men, and that religion may not be made a pretence to alter any man's property and right, and

[1] Humphreys' *Hist. Account of S. P. G. for the Prop. of Gospel*, 82–84, 112; *Digest of S. P. G. Records* (1701, 1892), 15, 16, 115; Dalcho's *Ch. Hist.*, 346, 347; *Slavery in So. Ca.* 1670–1770; *Am. Hist. Ass.*, 1896 (McCrady's), 661, 662.

[2] *Statutes of So. Ca.*, vol. VII, 352.

that no person may neglect to baptize their negroes or slaves or suffer them to be baptized for fear that thereby they should be manumitted and set free: *Be it therefore enacted* by the authority aforesaid That it shall be and is hereby declared lawful for any negro or Indian slave, or any other slave or slaves whatsoever to receive and profess the christian faith and be thereinto baptized; but that notwithstanding such slave or slaves shall receive and profess the christian religion and be baptized, he or they shall not thereby be manumitted or set free, or his or their owner, master or mistress lose his or their civil right, property, and authority over such slave or slaves, but that the said slave or slaves with respect to his servitude shall remain and continue in the same state and condition that he or they was in before the making of the act."

Sir Francis Nicholson and his government had probably heard of the opinion of the law officers of the Crown to which Lord Hargrave referred in the case of *Pearne* v. *Lisle*, and did not consider it necessary, therefore, to reënact this clause, and it was omitted. But the doubt was not yet wholly removed, so the Church was appealed to and Dr. Gibson, the Bishop of London, in a pastoral letter on the 19th of May, 1727, addressed to the masters and families in the English plantations abroad exhorting them to encourage and promote the instruction of their negroes in the Christian faith, thus discussed the subject in its religious aspect.

11. But it is further pleaded that the instruction of heathens in the Christian Faith is in order to their Baptism, and that not only the time to be allowed for instructing them would be an Abatement from the Profits of their Labor, but also that the Baptizing them when instructed would destroy both the Property which the Masters have in them as Slaves bought with their money and the Right of selling them again at pleasure, and the making of them Christians only makes them less diligent and more ungovernable.

To which it may be very truly replied that Christianity and the embracing of the Gospel does not make the least Alteration in Civil Property or in any of the Duties which belong to Civil Relations, but in all these Respects it continues Persons just in the same State

as it found them. The Freedom which Christianity gives is a Freedom from the Bondage of Sin and Satan, and from the Dominions of Men's Lusts, and Passions, and inordinate Desires; but as to their *outward* Condition whatever that was before, whether bond or free, their being baptized and becoming Christians makes no manner of change in it. As St. Paul has expressly told us 1 Corinthians vii. 20, where he is speaking directly to the very point "*Let every man abide in the same calling wherein he was called*," and at the 24th verse, "*Let every man wherein he is called therein abide with God*." [1]

The anxieties of the London merchants having been thus allayed and the legal doubts satisfied, the importation of negroes into the colonies was continued with renewed vigor.

[1] Dalcho's *Ch. Hist.*, 108, 109.

CHAPTER IV

1722–24

War, it will be recollected, was subsisting between England and Spain at the time of the overthrow of the Proprietors' government, and the province of South Carolina had only been saved from invasion by the repulse of the Spanish fleet at Providence and its dispersion by a storm soon after. Before Governor Nicholson left England a suspension of hostilities between England and Spain had been published, and by the treaty of peace, which afterward took place, it was stipulated and agreed that all subjects and Indians within their respective jurisdictions should cease from acts of hostility. Orders were sent to the Governor of Florida to forbear molesting the Carolinians, and the British Governor had also instructions to cultivate the friendship of the Spanish subjects and Indians of Florida.[1] The observance of these instructions was, however, nothing more than a hollow truce — some communications passed between the two governors touching the restitution of vessels, Indians, negro slaves, and other effects taken by the Spaniards after the cessation of hostilities, and Governor Nicholson writes to the Governor of St. Augustine proposing the establishment of a free trade between their respective governments.[2] But the building of the fort on the Altamaha by Colonel Barnwell — called Fort King George — gave new offence, and the Spanish ambassador in England complained of it.[3] The Spanish

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 297.
[2] *Coll. Hist. Soc. of So. Ca.*, vol. I, 263. [3] *Ibid.*, 278.

government complained also of some hostilities committed against the inhabitants of Florida by Indians under the protection of his Britannic Majesty. Governor Nicholson complains to the Governor of Florida of the treatment of Captain Watson sent by him in a public capacity to make demand for runaway slaves, and contrasts his own treatment of the Spanish governed people "who are subsisted at the public charge, and have every day two bottles of Madeira." But at the same time he writes to Colonel Barnwell not to permit any of them to go or return by Fort King George; that he has written to his Excellency, the Spanish Governor, to say that for the future he will receive no message but what comes directly over the bar to Charles Town.[1]

The intermission of actual warfare, however, permitted Governor Nicholson to turn his attention to a settlement of the frontiers of the province. His large colonial experience induced him to believe that most of the troubles from Indians had been occasioned by Europeans taking possession of lands claimed by them without the permission or consent of the Indians. He was no stranger to the manners of these people, and with great zeal and spirit applied himself to the regulation of Indian affairs and to the making of treaties of friendship and alliance with the different tribes around the settlements. With these views he sent a message to the Cherokees — the most powerful nation, computed at the time to consist of no less than six thousand bowmen — that he had presents to make to them, and would meet them at the borders of their territories to hold a general congress to treat of mutual friendship and commerce. The Indians, pleased at being treated with this consideration, as a free and respectable people, accepted the invitation, and imme-

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 280.

diately the chiefs of thirty-seven different towns set out to meet him.

At this congress the Governor, having made the Indians several presents, and smoked the pipe of peace with them, marked the boundaries of the lands between them and the English settlers. He regulated weights and measures, that justice might be done them in the way of traffic. He appointed an agent to superintend their affairs; and, to unite them under a common head, proposed to nominate one warrior as Commander-in-chief of the whole nation, before whom all complaints were to be laid, and who was to inform the Governor of every injury done them. With the consent of all present Wrosetasatow was declared chief warrior of the Cherokee nation, with power to punish all guilty of depredation and murders, and to obtain satisfaction for every injury done to Indians from the British settlers. The Indians returned to their towns highly pleased with their generous brother and new ally. The Governor then proceeded to conclude likewise a treaty of commerce and peace with the Creeks, who were also at that time a numerous and formidable nation. He likewise appointed an agent to reside among them whose business was to regulate their affairs in a friendly and equitable manner, and fixed the Savannah River as the boundary of their hunting lands, beyond which no settlements were to extend.[1]

Colonel William Rhett, it will be remembered, had made his peace with the temporary government under James Moore, and had been appointed Overseer of the Repairs and Fortifications of Charles Town, while retaining the position not only of the Comptroller of the King's Customs, but that also of the Proprietors' Receiver General.[2] It is not

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 297, 298.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 660.

to be supposed that three such fiery men as Rhett, Moore, and Nicholson could get along quietly, and we soon find them at war. Before Governor Nicholson's arrival Moore and Rhett had quarrelled. Moore writes to Boone, on the 19th of January, 1721, as we have seen, of the great joy of the province at the news of his Excellency's — Governor Nicholson's — coming, and the desire that that enemy "to his country and detestable reviler of mankind," Colonel Rhett, might be removed from his office of Surveyor and Comptroller of his Majesty's Customs. He and his Council were of opinion that most of the differences between the Lords Proprietors and the inhabitants of South Carolina had been occasioned by the misrepresentation of Colonel Rhett and his brother-in-law, Judge Trott.[1] One of the first measures of Governor Nicholson's was the appointment of Benjamin de la Consiliere, Esq., Receiver and Treasurer of the province. As was to have been expected there was at once a difference over the settlement of the accounts between the Proprietors and his Majesty.[2] In October Governor Nicholson writes to Charles de la Fay, Secretary to the Lords Justices, touching Rhett, whom he terms "a haughty, proud, insolent fellow and a cheating scoundrel," accuses him of every wicked and malicious proceeding, and giving out — and here no doubt was the chief cause of offence — that he, Rhett, was to be Governor, and he, Nicholson, to be turned out. Again in December he complains of the two Rhetts — father and son — and thinks Rhett senior should be prosecuted.[3] But Colonel Rhett was not to survive to carry on the warfare. His brilliant, if haughty, career was about to end. Governor Nicholson writes to Lord Carteret, January 14, 1722–23, that "old Rhett is dead of apoplexy," and requests somebody to be sent over to succeed him, as he is afraid

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 231. [2] *Ibid.*, 269. [3] *Ibid.*, 233.

"there are not many persons here qualified"; thinks the accounts should be fully examined, and that "it would have been for his Lordship's interest had he died some years ago, and not been linked to Mr. Trott and his family."[1] James Moore soon followed Rhett. He died the 17th of February following.[2]

A singular and deplorable instance of religious fanaticism and delusion occurred at this time.[3] The family of Dutartres, consisting of four sons and four daughters, were descendants of French refugees who came into Carolina after the Edict of Nantes. They were poor but respectable people, who lived in Orange-quarter, esteemed by their neighbors persons of blameless and irreproachable lives. Unfortunately for their peace a strolling Moravian preacher, happening to come into that neighborhood, insinuated himself into the family and, partly by conversation and partly by the writings of Jacob Behman, or, more correctly, Boehme, a German mystical writer of a century before, which he put into their hands, filled their heads with wild and fantastic ideas. They soon withdrew themselves from public worship and from all conversation with the world around them. They imagined they were the only people on earth who had the knowledge of the true God, and believed that he vouchsafed to instruct them by immediate impulses of his Spirit or by signs and tokens

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 232, 233. In his *Hist. of So. Ca. under Prop. Gov.*, the author of this work, in a note to page 690, states that Colonel Rhett died in 1721. In that statement he was misled by the authority quoted. Colonel Rhett died, as stated in the text here, in January, 1722-23.

[2] *Ibid.*, 279.

[3] The story of this interesting episode was given by the Rev. Alexander Garden, Commissary of the Bishop of London in South Carolina, and will be found at length in Hewatt's *Hist. of So. Ca.*, vol. I, 302, and in Howe's *Hist. of the Presbyterian Church*, 194.

from heaven. At length it came to open visions and revelations. God raised up a prophet among them like unto Moses, to whom he taught them to hearken. This prophet was Peter Rombert, who had married the eldest daughter of the family when a widow. To this person it was revealed in the plainest manner that the wickedness of man was again so great in the world that, as in the days of Noah, God was determined to destroy all men from the face of it except one family, whom he would save from which to raise up a godly seed upon earth. This revelation Peter Rombert was sure of, and felt it as plain as the wind blowing on his body, and the rest of the family, with equal confidence and presumption, joined in his belief.

Alas! the usual course of such prophets was soon followed. In a few days God was pleased to reveal himself a second time, saying to the prophet, "Put away the woman whom thou hast for thy wife, and when I have destroyed this wicked generation I will raise up her first husband from the dead, and they shall be man and wife as before; and go thou and take to thy wife her youngest sister, who is a virgin; so shall the chosen family be restored entire and the holy seed preserved pure and undefiled." At first the father was staggered at so extraordinary a command from heaven, but the prophet assured him that God would give him a sign, which accordingly happened, upon which the old man took his youngest daughter by the hand and gave her to the prophet immediately for his wife.

The family living notoriously in this wicked and unlawful condition, after long forbearance Captain Peter Simons, a worthy magistrate and the officer of the militia in that quarter, conceived it his duty to interfere and issue his warrant for the arrest of the prophet and Judith Dutartre, with whom he was thus living in open violation

of the law. The constable having received his warrants, and being apprehensive of resistance, prevailed upon two or three of his neighbors to accompany him. The family, observing the constable coming, and apprised of his errand, consulted their prophet, who told them that God commanded them to arm and defend themselves against persecution of ungodly men, assuring them that no weapon used against them should prosper. The family resisted, fired upon the constables, and drove them out of their plantation. Upon this Captain Simons gathered a party of his militia to protect the constable in the execution of his office. As the posse approached their house, the deluded family shut themselves in, and firing upon the party, Captain Simons fell dead on the spot, and several of his party were wounded. The militia returned the fire, killed one woman within the house, and, finally entering, took the rest, six in number, prisoners and carried them to Charlestown.

At the Court of General Sessions held in September, 1724, three of these deluded people were brought to trial, found guilty, and condemned. During their trial they appeared altogether unconcerned and secure, affirming that God was on their side, and therefore they feared not what man could do unto them. They freely told the miserable story in open court in all its circumstances and aggravations, with good countenances, asserting their authority from God in their vindication. They resented Mr. Garden's offer of spiritual counsel, and to his efforts to arouse them to a sense of their crimes their response was: Answer him not a word; who is he that should presume to teach them who had the spirit of God speaking inwardly to their souls? In all that they had done they had obeyed the voice of God and were now to suffer martyrdom for his religion. God assured them that he would either work a

deliverance for them or raise them up the third day. The three condemned continued to assert their belief in these things until the moment they expired. Judith, because of her condition, was not tried; the two sons, David and John Dutartre, about eighteen and twenty years of age, having been also tried and condemned, continued sullen and reserved, expecting to see those who were executed rise from the dead; but, disappointed in this, they at last seemed to become sensible of their error, and were both pardoned. Yet not long afterward, one of them murdered an innocent person without either provocation or previous quarrel, alleging again as his motive the command of God. He was brought again to trial, condemned, and executed. Under Mr. Garden's counsel he expressed himself penitent, and died in the humble hope of mercy.

At this time the number of white inhabitants, including men, women, and children, was computed to amount to fourteen thousand, an increase in fifty-four years since the arrival of the first colonists, very small and inconsiderable, owing no doubt to the unhealthiness of the climate, which was not yet understood, and to the discouragements and trouble which prevailed during the Proprietary government. The province now furnished the inhabitants with provisions in abundance, and exported what it could spare to the West Indies. The white inhabitants lived frugally, as luxury had not yet crept in among them, and, except for the use of a little rum and sugar, tea and coffee, were contented with what their plantations afforded.

In 1724, 439 slaves and British goods and manufactures of different kinds to the amount of between £50,000 and £60,000 sterling were imported into the province. In exchange for these slaves and commodities 18,000 barrels of rice and 52,000 barrels of pitch, tar, and turpentine, together with deerskins, furs, and raw silk, were exported

to England. The Carolinians also traded to the West Indies, and several small ships and sloops were employed in carrying their provisions, lumber, staves, and naval stores, which they bartered for sugar, rum, molasses, coffee, cotton, and Spanish gold and coin. To New England, New York, and Pennsylvania they sent some rice, hides, deerskins, tar, and pitch, which they exchanged for flour, salt fish, fruit, beer, and cider.[1]

Among other traders at this time Othneal Beale commanded a ship in the Carolina trade, and while sailing from Charlestown to London he was taken by an Algerine Rover, who intended to carry him into Barbary, and for this purpose took the English sailors on board his own vessel and manned Captain Beale's ship with Algerines, giving them orders to follow him to the Mediterranean Sea. Soon after, a storm arising at night separated the two ships, and Captain Beale, being the only person on board the pirate's vessel that understood navigation, availed himself of the opportunity, and instead of sailing for Africa steered the Algerine vessel directly for England and brought her safely in the Thames. This bold adventure procured the captain an introduction to the King and a handsome present from his Majesty. It marked him a man of address and courage in Carolina, where he afterward took up his residence and became one of the most prominent and useful citizens. For many years he was in command of the militia of the town, and was made a member of his Majesty's Council and became President of it. He lived to the ripe old age of eighty-two,[2] surviving the Royal government which Governor Nicholson was now establishing.

Governor Nicholson had no easy time. His government was purely provisional. The Proprietors had not yet sur-

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 310. [2] *Ibid.*, 311.

rendered their charter, nor did they intend to do so without a struggle. They were pressing his Majesty for the restoration of their government, or at least the appointment of a Governor of their choice, and nominated for that position Colonel Samuel Horsey, nor did the Royal government resent their doing so. Sir Francis was tired and wished to be released and to return home. In June, 1724, he writes to the Board of Trade[1] that the Assembly is ended, and complains that the Commons had behaved themselves strangely and arbitrarily, if not illegally, *the spirit of commonwealth principles increases daily*, influenced, as he believes, by the New Englanders; the natives of this continent, he observes, are variable in their politics, which he attributes to the uncertainty of the weather; that great industry was used, insinuating to the people the probability of the Lords Proprietors resuming the government; the late Mr. Rhett and Mr. Trott are mentioned as the individuals who pursued this underhand course; the said Trott, the present Mr. Rhett, Mr. Roger Moore, and Eleazar Allen (who married two of old Rhett's daughters) are supposed now to carry on the same affair; Joseph Blake, one of the Proprietors, had informed him the Lords Proprietors intended to bring the affair of the government to an issue.

It will be recollected that under the Proprietary government the Commons had exercised the most arbitrary power of arrest, each party in turn arresting the leader of the other on some charge of contempt. Thus Landgrave Thomas Smith, in 1704, was arrested for libel because of disrespectful expressions in a private letter in regard to the House;[2] and Colonel Risbee, in 1706, for vilifying

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 283.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 413, 415. This was the second Landgrave of that name.

the Assembly while over his bottle of wine in a tavern.[1] The Commons under the Royal government were equally assertive of the right, and even still more arbitrary in its exercise. Holding itself as representing the power of the people, since its success in overthrowing the Proprietary rule, it was still more inclined to assert for itself the omnipotence of a parliament. The Royal government was not yet firmly established when the Commons began a struggle for the maintenance of the power of arbitrary imprisonment — a struggle, however, in which it was fortunate for the liberty of the people that so firm and able a judge as Robert Wright, the first Chief Justice under the Royal government, was on the bench to meet and resist.

The currency was in a very unsatisfactory condition. Many of the bills in circulation were, it was alleged, counterfeit, and many others were too worn for use. To remedy this an act was passed in 1722 authorizing the reprinting of the genuine bills outstanding, and, because — said the act — by the great floods many of the inhabitants had lost their crops and were unable to pay their taxes, an additional sum of £40,000 was allowed to be issued.[2] In the reissue no difference was made between the bills merely reprinted and the additional issue, nor was it provided when and how they were to be paid. The merchants of Charlestown complained to the Governor, Council, and Assembly against these bills. They charged that the statement of the loss of the people by floods, which the act recited as the reason for its passage, was untrue, and that the Assembly had broken faith in adding to the bills of credit. Upon this the Assembly took great offence, resolved that they had not broken the

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 458.

[2] *Statutes of So. Ca.*, vol. III, 188.

public faith; they voted the merchants' memorial false, and in a most arbitrary manner ordered them, twenty-eight in number, into custody, that the dignity and privileges of the Commons might be maintained. The merchants applied to the Governor for protection, and that they might be heard against the proposed bills. The Council, who were in sympathy with the merchants, and who had only assented to the act because the Assembly would not otherwise provide the means of carrying on the government, ordered that the merchants should be heard, but did not care to question the privileges of the Commons by releasing them from arrest and from the custody of the messenger of that body. The Assembly, nevertheless, resented what they regarded as an interference with their privileges by the Council, and complained to the Governor, insisting upon their right to punish the merchants for criticising their conduct and petitioning against their action. The Governor countenanced the Assembly and encouraged the stamping of more bills; the merchants continued in custody, and their release was made as expensive as possible; the charges of their imprisonment cost them £300 sterling.

The act adding £40,000 to the currency was passed, and in less than a year exchange rose 700 per cent; the merchants lost again 30 per cent on all their outstanding debts. But if the merchants in Charlestown were powerless, those in England, nearer the throne, possessed influence to be heard. When the matter reached London, the Lords Justices, through the influence of the merchants there trading with Carolina, disapproved and disallowed the act, and instructed Governor Nicholson that he should take speedy means for sinking and discharging these bills.[1]

[1] Representation of Mr. Stephen Godin, merchant of London, with approval of the members of council, Arthur Middleton, Ralph Izard,

Under his instructions upon the subject bills amounting to £55,000 were to be paid into the treasury for duties only, and when so received were not to be reissued, but cancelled; £53,000 outstanding were allowed to remain current until provision could be made for calling them in. An act was passed on the 15th of February, 1723–24, for carrying out these directions of the Royal government and providing that these old outstanding bills should be changed for new bills within eight months from the passing of the act, and not to be thereafter current.[1] In September, 1724, Governor Nicholson accordingly issued his proclamation for changing the old paper credits for new.[2]

Sir Francis Nicholson, it was charged by the Council, was really in sympathy with the people and the Assembly as against both the merchants in Carolina and the merchants in London. Between them all he had a hard time. The merchants in London went so far as to petition the King for his removal. Upon which he writes that he is not surprised, but will not trouble their Lordships with any particular defence, as he hopes to make it in person.[3] He had been applying for leave to return to England for some time. Sir Francis was not, however, without friends in the community. The grand jury for the province intervene and pray the King to suspend the Royal consideration of the merchants' petition until the province can be heard.[4]

William Bull, Alexander Skene, James Kinloch, Charles Hart, Benjamin Schenkingh, and Benjamin de la Consiliere. *Coll. Hist. Soc. of So. Ca.*, vol. I, 300, 302.

[1] *Statutes of So. Ca.*, vol. III, 219.

[2] *Coll. Hist. Soc. of So. Ca.*, vol. I, 284.

[3] *Ibid.*, 286.

[4] *Ibid.* The autographs to this petition of the Grand Jury are John Raven, William Bettinger (Bellinger?), Francis Ladson, Peter Villepontoux, Will Smith, Samuel West, Noah Serre, Daniel Huger (foreman), Elisha Prioleau, Samuel Eveleigh, William Wallace, Richard Smith, Arthur Hall, John Croft, Peter Cattell, Anth. Bonneau, John Cawood, Thomas Elliott, Henry Toomer.

In December the Governor is in good spirits in view of his departure. He is expecting, he writes to the Board of Trade, the arrival of about fifteen sail of ships, which will be sufficient to carry away the rice and pitch, and that trade increases. In January he writes again that they have had an extraordinary good winter, and sends a list of ships and vessels, and expects several more. He sends the Collector's accounts and lists,[1] by which their Lordships will see the thriving state of trade, which he hopes will be in part an answer to the London merchants. He sends petitions from the county courts of St. Helena, Granville County, and the Wando precinct against the petition of the London merchants. He gives reasons why he must postpone his visit to Great Britain until the beginning of May.[2]

Governor Nicholson, says Hewatt, though bred a soldier, and profane, passionate, and headstrong himself, was not insensible to the great advantage of religion to society, and contributed not a little to its interests in Carolina, both by his public influence and private generosity. The number of inhabitants increasing in each parish it was found necessary to enlarge several churches for their accommodation. The inhabitants of St. Paul's Parish, many of whom had their houses burnt, and suffered otherwise great losses in the Yamassee war, were obliged to apply to the public for assistance. The parish of St. George was separated and taken out of that of St. Andrews by an act of Assembly, and a new church was built at the village of Dorchester by public allowance and private contributions. The inhabitants of Winyaw had been without the benefit of public worship, and claimed particular attention. To

[1] The Collector of his Majesty's Customs was Thomas Gadsden. This is the first mention of a name destined to be forever famous in the history of South Carolina.

[2] *Coll. Hist. Soc. of So. Ca.*, vol. I, 288.

erect a church in this quarter the Governor proposed a private subscription and set the example by largely contributing to it. He made application to the Society in England for Propagating the Gospel, and they supplied the province with clergymen. Animated by the example and assisted by the generosity of their Governor the colonists were much encouraged in providing schools for the religious education of youth. Besides general contributions several special legacies were left for this purpose. Mr. Witmarsh left £500 to St. Paul's Parish for founding a free school. Mr. Ludlam, the society's missionary at Goose Creek, bequeathed all his estates computed to amount to £2000 currency for the same purpose. Richard Berresford, who had been sent to England with Joseph Boone to protest against the exorbitant power conferred upon Trott by the Proprietors and there had taken so prominent and able a part in their overthrow, by his will bequeathed the annual profits of his estate for the support of one or more schoolmasters who should teach reading, accounts, mathematics, and other liberal learning, and the other two-thirds for the support, maintenance, and education of the poor of the parish. The vestry accordingly received from this estate £6500 for promoting these pious and charitable purposes. This fund, says Dr. Ramsay, when he wrote (1808), is still in existence and had long been known by the name of Berresford's Bounty — and we may add was carefully preserved until destroyed or nearly so during the late war. The society in England sent out teachers, money, and books, and assisted greatly by their zeal and bounty toward the religious instruction of the people. So much, observes Hewatt, must be said for the honor of Governor Nicholson, whose liberality was conspicuously displayed in behalf of religious institutions, and whose example excited the spirit of emulation among the

people for promoting them. In Charlestown and in several parishes in the country public schools were built and endowed during his government, and every friend to knowledge and virtue, every well-wisher to posterity, seemed to promise themselves the greatest advantages from such wise and public-spirited designs.

In January the Council presented a laudatory address to the Governor upon his anticipated departure;[1] but it was not until April that he sailed.[2]

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 288. [2] *Ibid.*, 291.

CHAPTER V

1724–28

Under the Royal instructions it was provided that in the absence of the Governor the eldest councillor should take upon himself the administration of the government. Under this provision, upon the departure of Governor Nicholson, it fell upon Mr. Arthur Middleton, the President of the Council, to do so. Mr. Middleton, it will be remembered, had been the Speaker of the Assembly who had delivered the address of the Commons, calling upon Governor Robert Johnson to declare that he held the government for the King and not for the Proprietors, and had led the Revolution when Governor Johnson refused to turn against their Lordships, who had appointed him. In assuming the administration, however, Mr. Middleton did not assume the title of Governor, but styled himself President and Commander-in-chief, and was so addressed.

If Governor Nicholson's position, as but a provisional governor, had been a difficult one, Mr. Middleton's was still more so. The practical abandonment of the government by Sir Francis, before his Majesty was prepared permanently to establish his immediate authority, was an encouragement to the friends of the Proprietors to renew their intrigues for a restoration of their government. There was a party in the colony, as we have seen, who, under the influence of Trott and the Rhetts, were still restless under the Provisional government and predicting its withdrawal. Nor were their hopes groundless. Lord John Carteret, the Palatine, was now in high position in

his Majesty's court, and curiously enough, as one of the Secretaries of State, was administering the government of Carolina for the King, which he claimed for himself as Palatine of the Proprietors.[1] There was enough in this circumstance alone to excite the hopes of the Proprietary party on the one hand, and the apprehension of their opponents on the other.

On the 3d of February, 1723–24, Governor Johnson, who was then in London, addressed a very interesting letter to Lord John Carteret.[2] The Lords Proprietors, it will be recollected, had, through the influence of Trott and Rhett, treated Governor Johnson with great coldness and disdain, neglecting even to acknowledge the receipt of his communications reporting to them the uprising of the people against their rule, and explaining his own conduct. Lord Carteret, however, had been absent from London at the time, then being on a mission to Sweden. Governor Johnson now attempted to take advantage of this and to disconnect his Lordship from the other Proprietors. To this end he submitted a very ingenious proposition. He suggested if it might not be advisable for his Lordship to obtain the government of Carolina himself, and to act there by deputy, as Lord Orkney was then doing in regard to Virginia. Things might then remain as they were, in regard to the Lords Proprietors' pretensions. The word "provisional" might be inserted in his Lordship's commission as it was in Governor Nicholson's. And then with great simplicity he added that he would be quite satisfied if he was thought worthy of acting as the deputy under his Lordship.

It was not unusual in the Royal colonial governments for the Governor to remain in England and leave the

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 234, 235.
[2] *Colonial Records of No. Ca.*, vol. II, 518.

administration of the colony to a Lieutenant Governor. This was the practice in regard to Virginia from 1705 to 1728. Thus Sir Francis Nicholson himself had administered the government in Virginia as Lieutenant Governor under Lord Howard of Effingham and Sir Edmund Andros, the absent Governors-in-chief, and in the case of Lord Orkney, to which Governor Johnson refers, he was remaining at home in England and governing Virginia by his deputy, the stalwart soldier and ruler, Lieutenant Governor Sir Alexander Spotswood.[1]

Lord Carteret does not appear to have paid any heed to this suggestion, but Governor Johnson was persistent, and was ultimately to be sent back as the first regular Royal Governor. In the meanwhile the Proprietors continued to assert their right to govern the colony. On the 27th of May, just about the time Sir Francis Nicholson was leaving the province, they made the appointment of Robert Wright as their Chief Justice, and at the same

[1] Keith's *Hist. of Va.*, 168, 171 ; Cooke's *Hist. of Va.* (Am. Commonwealth Series), 301–310. In support of the statement that Lieutenant Governors were seldom appointed on the Continent, it has been observed that twenty-five Governors of South Carolina had received their commissions from home, and five others had held the Gubernatorial Chair without commissions, while only three had been commissioned Lieutenant Governors, *Am. Hist. Review*, vol. III, No. 3, 549. There were no Lieutenant Governors in South Carolina under the Proprietary government, but the three Lieutenant Governors under the Royal government held that position for near forty out of the forty-five years of that government, to wit: Thomas Broughton from 1731 to 1737, William Bull (the first) from 1738 to 1755, William Bull (the second) from 1759 to 1775, and for more than sixteen years of that time administered the government as Lieutenant Governors. Under the Royal governments there were Lieutenant Governors of Nova Scotia, Massachusetts, New Hampshire, New York, New Jersey, Virginia, North Carolina, South Carolina, Georgia, and Florida. For a list of Governors and Lieutenant Governors of the various provinces, not, however, altogether complete, see Index to Hildreth's *Hist. of the U. S.*, vol. III.

time presented a memorial to the King, in which they stated that twelve months before they had proposed to surrender to his Majesty all interest in the province for the sum of £25,000, that they had laid their title before the Attorney and Solicitor General, and a conveyance was thereon proposed with a covenant that they should consent to an act of Parliament authorizing the sale, and had been in daily expectation of having the surrender accepted, but were surprised to hear that this could not be done without an act first obtained. They complained of being detained in town waiting the action of the government, and of the injury to the colony through the delay, and prayed his Majesty either to direct an immediate surrender or to allow them the full and free exercise of the power under the charter granted them by King Charles II.[1]

Upon the application of Thomas Kimberley of the Middle Temple for the appointment of Chief Justice, the Proprietors had agreed to give it to him, and on the 9th of February, 1724-25, had signed a commission for him as such.[2] But on the 10th of March, 1726–27, they recommend to his Majesty that Colonel Samuel Horsey be made Governor, Mr. Thomas Kimberley Attorney General, Mr. Robert Wright Chief Justice, and Mr. James Stanway Naval Officer, and their recommendation is taken into consideration by his Majesty's government.[3] Colonel Horsey is consulted in June, 1727, by Lord Westmoreland, one of the Lords Justices, upon the subject of the appointment of a regular Governor, and is again pressed

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 175, 176. [2] *Ibid.*, 197.

[3] *Ibid.*, 198. Colonel Horsey had served upward of twenty years in the Foot and Horse Guards, and in the year 1722 resigned his post of Lieutenant Colonel in the 4th Horse Guards upon the promise of the Governorship of South Carolina. *Ibid.*, vol. II, 292.

by the Proprietors for the position as late as April 28, 1728.[1] Colonel Horsey and Mr. Thomas Lowndes appear to have been the agents of the Proprietors in the negotiations with the Royal government for the surrender of their charter, and on March 30, 1726, the Proprietors agree to make Colonel Horsey a Landgrave of Carolina, annexing thereto four baronies of twelve thousand acres each.[2] In July following Mr. Lowndes purchased a Landgraveship and is made Provost Marshal under the Proprietors.[3] Mr. Yonge, the agent of South Carolina under the Provisional government, learning of the recommendation of Colonel Horsey by the Proprietors, presents a memorial against it, alleging that the inhabitants will speedily fall into the same commotions again if the Proprietors be allowed to elect the Governor.[4] The uncertainty of affairs under the Provisional government was in every way injurious, and, at length satisfied that they would never be allowed to resume their government of the colony, the Proprietors, on the 31st of May, 1727, petition the King, George I., to take the supreme sovereignty of the province into his own hands.[5] King George I. did not receive this petition. He died before it reached England, and it was left to his successor, King George II., to act upon it.

Governor Nicholson had returned home charged with many complaints of the inhabitants. Mr. Middleton, who succeeded him in the administration, was to give still less satisfaction. Hewatt gives this character of Mr. Middleton. Mr. Middleton, he says, though of a reserved disposition, was a sensible man and by no means ill qualified for governing the province. But having succeeded a man who liberally spent all his salary for the public

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 243. [2] *Ibid.*, 198.
[3] *Ibid.*, 174. [4] *Ibid.*, 173. [5] *Ibid.*, 174.

good, he was neither so much distinguished nor respected among the colonists. Being possessed of a moderate fortune his chief study was to improve it, and he seemed to aspire to the character of a rich man in private life rather than that of a popular Governor and generous benefactor. As he had taken an active part against the Proprietary government, he was not insensible of the advantages now gained from the countenance given by the Crown, and was equally careful to promote loyalty to the King as the freedom and safety of his fellow-subjects.[1] As a former leader of the people in a revolution and the present representative of the Royal government which, having accepted the results of the people's revolt against the Proprietors, was now curbing them with a stronger hand than their Lordships', Mr. Middleton had no easy part to play. It is certain that he did not master the difficult task.

The first matter with which Mr. Middleton had to deal was the vexed one of the boundaries between Florida and Carolina. The Spaniards resented the building of the fort on the Altamaha, which had been established there by Colonel Barnwell. And the small garrison in the fort was in a state of great distress and almost in mutiny. The boundary between the possessions of Spain and England had never been settled by any agreement or treaty, and under the Proprietary government this had led to continual strife. Lord Cardross's colony at Port Royal had been destroyed by the Spaniards in 1686, and the planting of the town of Beaufort in 1710 had brought on the calamitous Yamassee war. Now the Carolinians had pressed farther their claim to possession, and had built this fort on the Altamaha. This gave great umbrage to the Governor of St. Augustine, who complained of it to

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 312.

the Court of Madrid, representing it as an encroachment on the dominion of Spain, and intended to seduce the Indians from their allegiance to his Catholic Majesty. The Spanish ambassador at London presented the complaint before the Court of Great Britain and demanded that orders be sent out to Carolina to demolish the fort. To prevent any interruption of the good relations then nominally subsisting between the two courts it was agreed to send orders to both the governors in America to meet in an amicable manner and settle the boundary between the two domains.

In pursuance of these instructions of the home governments Don Francisco Menandez and Don Joseph de Rabiero came from St. Augustine to hold a conference with President Middleton and the Council of Carolina about the boundary between the provinces and the building of the fort on the Altamaha. The Spanish deputies were received by Mr. Middleton and Council, who assured them that the fort was situated within the bounds of the charter granted the Proprietors of Carolina, and resisted the pretensions of Spain to these lands as vain and groundless. Mr. Middleton told them the fort was erected on the Altamaha for defending the Carolinians and their property against the depredations of the Indians living under the jurisdiction of Spain. Then he demanded to know from them their reasons for protecting felons and debtors who fled from Carolina, and for encouraging negroes to leave their masters and take refuge at St. Augustine while peace subsisted between the two Crowns. The deputies replied that the Governor of Florida would deliver up all felons and debtors, but had express orders for twenty years past to detain all slaves who should fly to St. Augustine for liberty and protection. Mr. Middleton said he looked on such injurious orders as a breach of national honor and

faith, especially as negroes were real estate, such as houses and lands, in Carolina. The deputies answered that the design of the King of Spain was not to injure private individuals, and he had ordered compensation to be made to the masters of such slaves in money, but that his humanity and religion enjoined him to issue such orders for the sake of converting slaves to the Christian faith. Such absurd religious pretences made of course no impression on Mr. Middleton and his Council, who knew that the Spaniards themselves held slaves in bondage; and as to the alleged order for compensation to the masters, they knew it had never been carried out, if ever made. Mr. Middleton's assertion that negroes were real property in Carolina was based upon the provision of the act of 1690, then still of force, prescribing that negroes should be accounted as freehold. They were nevertheless always returned as personal property in the inventories of estates, as the records of the Ordinary's or Probate office in Charleston abundantly show.[1] Such arguments satisfied neither party, and matters remained as they were. Nothing was accomplished by the meeting.

Soon after these negotiations, in January, 1725–26, the fort on the Altamaha was burnt.[2] The desire of the Spaniards to have the fort demolished naturally gave rise to the suspicion that it had been destroyed at their instigation, and this the desertion of twelve of the garrison to St. Augustine was well calculated to encourage. But Captain Edward Massey, who was sent from England to

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 360; *Slavery in the Province of So. Ca.* (1670), 177 (McCrady); *Am. Hist. Ass.* (1896), 645. See Inventories in Probate office in Charleston under Mr. Middleton's hand and seal as Ordinary while acting as Governor. As instance, William Rhett's *Will Inventory Book of 1722–29*, 361.

[2] *Coll. Hist. Soc. of So. Ca.*, vol. I, 236.

inquire into the circumstances, upon investigation reported that he could not discover that the fort was burnt by design, but there was reason to suspect that the garrison were not active in extinguishing the fire, hoping to be thus relieved from their miserable condition by the destruction of the fort. The garrison of this outpost consisted of a small independent company raised for the purpose. The disturbed state of the finances of the colony had prevented its proper maintenance, and the men were in a very deplorable and mutinous condition. The fort having been destroyed, the company was removed to Port Royal, and the southern frontiers of Carolina were again left open and defenceless.[1]

As no settlement of the limits of the two provinces had been concluded, the Indians in alliance with Spain continued to harass the British settlements. The Yamassees were as usual the most active, penetrating into Carolina in scalping parties, killing white men and carrying off negroes. Though the Spanish government had promised compensation in money to the owners of slaves taken, few of them received it. These depredations President Middleton determined to put an end to. Colonel John Barnwell was no more. He had died in June, 1723, after having established the fort on the Altamaha, and Mr. Middleton had to look for another to put in charge of the frontier — one capable of dealing effectually with the Spaniards and Indians. He had not long to look. It will be recollected that during the Yamassee war, "a young stripling named Palmer" had signally distinguished himself by scaling an Indian fort and driving the Indians from it.[2] This young stripling, William Palmer

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 240, 242, 243; Hewatt's *Hist. of So. Ca.*, vol. I, 314.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 535.

by name, now come to a man's full estate, had developed into a soldier as able, as in his youth he had shown himself to be gallant.

Colonel William Palmer was appointed Commander-in-Chief of the forces against the Yamassees, and at once organized a body of about three hundred men, consisting of a party of militia and some friendly Indians. With this little band he entered Florida and spread desolation throughout the province. He carried his arms to the gates of St. Augustine, and compelled the inhabitants to take refuge in their castle. Scarce a house or hut in the province escaped the flames. He destroyed their provisions in the fields and drove off their cattle, hogs, and horses. Some Indians he killed and others he made prisoners. In short, says Hewatt, he left the people of Florida little property except what was protected by the guns of their fort, and by this expedition convinced the Spaniards of their weakness and the danger of encouraging Indians to molest the subjects of Britain. He showed the Spaniards that the Carolinians, if provoked to retaliate, could prevent the cultivation and settlement of their province and render their improvement of it impracticable on any other than peaceable terms with their neighbors.[1]

Nor were the Spaniards the only neighbors that caused trouble to the Carolinians at this time. The French from Louisiana were also encroaching upon them from the west, and using all their arts and address for gaining the interest and affection of the savage nations surrounding the Carolinians. They erected a stronghold called Fort Alabama high up the Mobile River, which was excellently situated for opening and carrying on a correspondence with the most powerful nations around the British settlement. The

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 314, 315; *Coll. Hist. Soc. of So. Ca.*, vol. I, 244, 245.

Carolinians had good cause to be on their guard against the influence of these insinuating and enterprising neighbors. The tribes of Upper Creeks, whose hunting lands extended to their fort, were soon won over by promises and money to an alliance with the French. The Cherokees lived at a greater distance, but these they approached through the Creeks and other emissaries whom they sent among them. Communication was opened by way of the Mississippi with the Choctaws, Chickasaws, and other nations residing near that river. To watch and counteract the seductions and intrigues of the French, the President of Carolina employed Captain Tobias Fitch among the Creeks and Colonel George Chicken among the Cherokees. These agents were busily engaged, and found no small difficulty during the whole time Mr. Middleton presided over the colony in counteracting the influence of French policy and preventing their union and alliance with these enemies. From this time the British and French settlers in America became competitors for power and influence over Indian nations, the one or the other of whom were always exposed to danger and trouble from them in proportion to the success of their rivals. The Carolinians were now farther from peace and safety than ever. The French supplied the savages with muskets and ammunition, for which they laid aside the bow and arrow, and became more dangerous and formidable than ever.[1]

It was during Mr. Middleton's administration that Jean Pierre Purry, of Neufchâtel, Switzerland, began his negotiations with the Proprietors, who yet retained their Proprietary rights to the soil, for the grant of lands for a colony of Swiss Protestants to be settled in the province, and which ultimately resulted in the unsuccessful attempt some years after under the Royal government.

[1] Hewatt's *Hist. of So. Ca.*, vol. I, 315, 316.

In 1724–25 the Lords Proprietors granted Purry a barony of 12,000 acres in South Carolina, on or near the Savannah, upon the condition that he transport, within one year from the date of the grant, 300 people at his own charges, and promised him another barony of 12,000 acres more when there should be 1200 people settled by him in that part of the province.[1]

Mr. Middleton was not popular. Governor Nicholson had been gone but a few months before complaints followed him against the gentleman who ruled in his place. Benjamin Whitaker, a lawyer, afterward Attorney General and Chief Justice, wrote to Governor Nicholson January 28, 1725–26, concerning the manner in which offices had been sold. He says £400 would make a provost marshal; Mr. Harvey by good fortune, however, got the place for £200. These proceedings, he adds, are very prejudicial to the government. He wishes the return of the Governor to retrieve them from corruption.[2] Mr. Middleton must have been furnished with a copy of this letter, for he writes to the Governor a few days after — February 4 — in answer to Mr. Whitaker's "false statement." Mr. Whitaker was not, however, the only person to make these charges. Laurence Coulliette, styling himself late Clerk of the Crown, of the Peace, and of the Court of Pleas, presents a petition to Thomas Broughton, Speaker, and the House of Assembly against Mr. Middleton, who, he states, has sold his places to Mr. Childumar Croft for £200.[3] Mr. Middleton's more serious trouble was his collision with the House of Assembly over the Bills of Credit.

The burning of the fort on the Altamaha caused a renewal of the issue in regard to the currency, between

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 197.
[2] *Ibid.*, 237.
[3] *Ibid.*, 237.

the President and Council on the one side and the House of Assembly on the other. It was necessary to rebuild the fort, but the Assembly refused to raise the money without reissuing the bills which had been directed to be burnt; and to this measure the Council was forced to submit. In December, 1726, the Assembly voted an addition to the currency of £86,100 in bills, and the Council disagreeing, the Assembly refused to raise any tax, though the colony was in great danger and in a defenceless condition. In refusing to yield to the demands of the Assembly in this matter, Mr. Middleton and his Council were but pursuing the instructions of the Lord Justices of England; but Mr. Middleton himself, having led the Assembly only a few years before to assert their "rights and privileges," his constant allusion now to "the Royal prerogative" sounded strangely in contrast to his former conduct. The lesson the Assembly had learned under his leadership they were now disposed to repeat in a manner not agreeable to him in his present position; mobs were formed, riots took place, and the Council were threatened for not complying with the popular demand for more money in paper bills. Mr. Middleton, in the exercise of his office as Commander-in-Chief, issued a proclamation ordering the rioters to disperse. Landgrave Thomas Smith, — the same Thomas Smith the second Landgrave, — who had been arrested by the Commons in 1704 under the Proprietary government during the commotions over the Church act, was arrested as ringleader, and committed by Alexander Skene, one of the Council. His arrest increased the troubles, which were somewhat appeased, however, for the time, upon his release. But the trouble was not over.

A Tax act had been passed on the 11th of March, 1726, for raising the sum of £27,452 3*s*. 2*d*. for defraying the

charges of the government for one year, commencing the 29th of December, 1726, and ending the 29th of September, 1727.[1] Provision had therefore to be made for the government at the expiration of that time. In May, 1727, the currency party, who were mostly from the country, sent two of their leaders with a representation of their views to the Council. They were not received. In a few days they returned with two hundred and fifty men on horseback, and proceeded armed to the Council Chamber. The Council were not, however, to be intimidated, and dismissed the party without an answer. Tumultuous meetings took place, and Landgrave Smith attempted to have himself proclaimed President, and was again arrested. New grounds of complaint were now raised, and demand was made for the call of an Assembly to redress them. Mr. Middleton, satisfied that the whole trouble was still about the currency, refused to do this, and the rioters became more defiant, held meetings, and boasted of their strength. So serious did the matter become, that Mr. Middleton thought it necessary to disband Captain Drake's company of militia; whereupon the members at once reorganized themselves into an independent company with a white flag, and endeavored to seize two of the Council by way of reprisal for their leader Thomas Smith, who was still in custody. The merchants now intervened, and advised the calling of an Assembly; whereupon the President issued his proclamation for the purpose.

The Assembly met on the 2d of August, 1727, and at once passed resolutions reflecting upon the government and inquiring into the commitment of Landgrave Smith, who also had addressed a memorial to that body upon the manner of his apprehension and the denial to him of a *habeas corpus*. In this memorial Mr. Smith alleged

[1] *Statutes of So. Ca.*, vol. III, 273.

that by virtue of a warrant dated Sunday, June 11, 1727, from Chief Justice Hepworth, his house had been surrounded by a body of armed men, and the town constable having gained admission under a feigned protest, they rushed into his chamber, greatly terrifying his wife, who was in a delicate condition, and causing his eldest daughter to fall into fits, which occasioned her a long illness ; that he was apprehended and carried before the Chief Justice, who signed a mittimus charging him with high treason ; that he had applied for a *habeas corpus*, which had been denied him ; he conceived that he had suffered very harsh treatment, considering that he was one of the eldest settlers in Carolina, and had spent twenty-five years in the public service. He prayed that the House would take his case into consideration, that he might be declared within the benefit of the *habeas corpus* act, and that a gentleman learned in the law might be heard in his behalf at the bar of the House.

Several angry messages having passed between the Council and the House in regard to the Smith case, the President sent for that body and ordered them to desist from intermeddling in the affair, as it was a matter belonging to the King's courts only, telling them that he would not suffer the King's prerogative to be violated. To this order the House paying no regard, but proceeding with the examination of Mr. Smith's memorial, the President prorogued them. For some reason, however, Chief Justice Hepworth had been removed from office, and Mr. Richard Allein, who, it will be remembered, had been Chief Justice under Moore's Revolutionary government, had been again appointed to that office ;[1] and by him Mr. Smith was, soon after the prorogation of the Assembly, admitted to bail upon the security of £10,000.[2]

Several murders having been committed by the Yamassee

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 306. [2] *Ibid.*, 293.

Indians, Mr. Middleton was obliged to make another effort to procure some legislation for the safety of the province. On the 23d of August he called the Assembly, and when they met on the 1st of September, he sent them a message urging the necessity of providing for the security of the frontier against the Spaniards, French, and Indians; but to this the Assembly paid no attention, and a bitter struggle ensued between the two houses, which precluded any attention to the public welfare and prevented any legislation for three years — indeed, during the remainder of the Provisional government. In the same spirit, as when led by Mr. Middleton himself in 1719, the Assembly had refused to allow the danger of foreign invasion to frighten them from insisting upon their domestic rights, they now, in answer to the urgent call of the President to look to the defence of the province, demanded a bill for ascertaining the rates of foreign coin. The President and Council refused their assent, as they were obliged to do. The bill proposed was not only in violation of the Royal instructions, but intended to change the relative value of foreign coins, which had been fixed by act of Parliament in the sixth year of Queen Anne's reign.[1] It was clearly beyond the power of the President and Council to assent to a bill intended to repeal or alter an act of Parliament made especially to apply to the colonies. On the 21st the Assembly sent up another bill to fix the value of bills of credit and to oblige people to take them at that price, also to settle the rates of exchange. The Council rejected this as preposterous. At length, however, on the 30th, an act was agreed to, against, however, the recorded dissent of two of the Council, for an expedition against the Indians, upon which the President dissolved the Assembly.

A new Assembly met on the 31st of January, 1727–28,

[1] *Hist. of So. Ca. under the Prov. Gov.* (McCrady), 483.

and the President made them his speech. On the 1st of February the Assembly replied, promising fairly, but voted no taxes for securing the frontier, sending instead a bill for applying the sinking fund for that purpose. This the Council rejected. And so the contest was carried on obstinately upon both sides. From 1727 to 1731 the same measure practically was eight times sent up to the President and the Council, and always rejected. President Middleton dissolved the Assembly six times, and six times ordered new elections, — he holding fast to "the Royal prerogative," his favorite expression; they holding as fast to their "rights and privileges."[1] As in most of such controversies, neither party was entirely in the right, and neither blameless in their conduct. It was preposterous, as the Council said, to attempt to fix the value of foreign exchange by act of a provincial assembly, and it was equally absurd for this little colonial Assembly to undertake to circumvent an act of the British Parliament — fully within the scope of its power — enacted for the very purpose of preventing what the Assembly was now attempting to do. But, on the other hand, the people who were behind the Assembly in this matter were not without some justice on their side; and this, before the controversy was over, the merchants in London, by whose advice and in whose interest the Board of Trade and Plantations there was acting, were compelled to admit.

In 1730 several eminent merchants and traders in London[2]

[1] Godin's *Representative Coll. Hist. Soc. of So. Ca.*, vol. I, 300, 305; *Chapter Colonial Hist.* (River's), 59.

[2] These merchants were Joseph Wyeth, Samuel Wragg, John Bell, Anthony Neal, John Hewlett, John Watkinson, William Hudson, William Cam, William Wragg, Stephen Cobebel, Jacob Bell, James Maintree, Andrew Broughton, Samuel Arnold, Richard Shubrick, George Halfhyde, Thomas Parsons, John Auns, Thomas Plumstead, John Goven, and Richard How.

came forward and themselves prayed the Lords Commissioners of Trade and Plantations to permit this compromise: to allow the province to call in all the old bills, and in lieu thereof to stamp and issue £100,000 and no more of new bills, and moreover that the law then subsisting for sinking the paper currency might be suspended for seven years, and the sums arising thereby might be annually applied for buying tools and provisions for such poor Protestant people as should go and settle there. In asking this they represented that the yearly exports of the province amounted to upwards of £100,000 sterling, and that the present paper bills in the colony, being nominally about £100,000, because of their depreciation did not amount to more than £15,000 sterling. The request, coming from this source, was complied with, and in the instructions of Governor Robert Johnson, who was soon to come out as the first regular Royal Governor, articles were inserted for carrying out this purpose.[1] Thus again the people had triumphed. In the first instance they had been led by Mr. Middleton; in the second they had succeeded against him.

During these disturbances a very discreditable occurrence had taken place in the Council chamber. On the 10th of May, 1728, the Assembly had resumed the affair of Landgrave Smith. Mr. Smith, as we have seen, had been admitted to bail by the new Chief Justice, Richard Allein, but that did not satisfy the members of the Assembly; they demanded his release, and complained to the House of the Chief Justice for not having discharged him. The House ordered the Chief Justice to attend and justify himself at their bar. This the Chief Justice refused to do, alleging very properly that the matter was not one

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 175, 176; *Report on the State Paper Currency of So. Ca.* (1737), 7, *Pamphlet Charleston Library.*

cognizable before that body. Upon this the Assembly ordered their messenger to take the Chief Justice into custody; and though he was then sitting with the President in Council, the messenger undertook to execute the order, and attempted to take the Chief Justice from the Council board. President Middleton and Council resented this as an unparalleled affront, while, on the other hand, the Assembly resolved the President's proceedings to be arbitrary. Upon the advice of the Council the President dissolved the Assembly on the 9th of July. A new Assembly was called, and met in the same temper. The same wearisome course was renewed and followed. The Speaker claimed that the Assembly in Carolina was entitled to the same privileges as the Commons of England enjoyed. The President in answer desired them to provide for the public debts and safety of the government by a tax, and by way of a bribe informed them of the intention of the British Admiralty to make Port Royal a rendezvous for ships of war. This promise seems to have had some temporary effect, for the Assembly answered, agreeing to have Port Royal surveyed; but they soon went back to their old position, and to prevent any falling away from it resolved to have no committee of ways and means for granting a supply. They sent up the old currency bill for setting a rate on foreign coin, which of course the Council rejected. Though urged by the President to provide for the support of the government, the Assembly adjourned, and would not again "make a House."

In despair, the President and Council prayed that a new Governor might be sent, with additional instructions, to prevent such "exorbitances" for the future. They sent Mr. Stephen Godin, a merchant of Charlestown, to England with a letter of Representation, in which they related at great length and in great detail the circumstances of this

controversy, from which statement this account has been in the main taken.[1] They wrote to the Duke of Newcastle that the disturbed state of the province had put them under the necessity of applying to his Majesty for relief. They told him of the contemptuous behavior of the Assembly, which broke up to avoid raising a public tax; that no supplies had been granted in twenty months, and of their fears of the desertion of the garrisons through want of pay. Mr. Godin would deliver their representations to his Grace, which they prayed might speedily be placed before his Majesty in council. They were afraid that the great length of the paper might prove an obstacle to its being read, yet the particulars therein had been stated with all the brevity possible. The paper currency being the cause of all the trouble, they had endeavored to demonstrate briefly the notorious frauds practised for many years by the different Assemblies by means of these paper bills; and then, after glancing at the purport of other portions of these representations, they go on to say that the end of the whole is to obtain from his Majesty some order to restrain the insolences and exorbitances alluded to, and particularly to prohibit the Governors receiving temporary gifts or presents from the Assembly. This is the great bane, they say, and much lessens the Royal prerogative; the province is well able to settle a fixed salary of £500 upon a Governor, and the Governors' and officers' fees ought to double what they were then; the sum of £500 they allowed their revolutionary Governor, Mr. Moore, but would only give it to Mr. Nicholson by way of present, in order to keep him dependent upon their precarious humors; the instructions to Governor Nicholson to insist on a fixed salary, and not to take any more, did not answer the desired end, for the Assembly would not fix a stated salary.[2]

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 300–305. [2] *Ibid.*, 299.

Fortunately for the province the legal difficulties which had existed as to the shares of the Proprietors had at length been settled by a decree of the House of Lords, and the negotiations which had been in progress for the purchase by the Royal government of the property rights of seven of the Proprietors, and the surrender of the charter, had been ultimately concluded and an act of Parliament passed authorizing and carrying into effect the agreement.[1] His Majesty was now in a position to put an end to the inefficient provisional rule and firmly to set up and establish a regular Royal government in the province.

Before we close this chapter, however, we must record two other great calamities which befell the province the year before her prosperity began. During the summer of 1728, says Dr. Hewatt, the weather in Carolina was observed to be uncommonly hot, by which the face of the earth was entirely parched, the pools of standing water dried up, and the beasts of the field reduced to the greatest distress. After such a long and general drouth, the inhabitants having usually observed hurricanes and tornadoes to follow in autumn, they began to look with almost superstitious dread for them as that season of the year approached. Nor did their fears at this time belie them. A dreadful hurricane burst upon them in the end of August, and occasioned an inundation which overflowed the town and the low lands, and did incredible damage to the fortifications, houses, wharves, shipping, and fields. The streets of Charlestown were covered with boats, boards, and staves, and the inhabitants were obliged to take refuge in the higher stories of their dwellings. Twenty-three ships were driven ashore, most of which were either greatly damaged or dashed to pieces. The *Fox* and *Garland*, men-of-war stationed in Charlestown

[1] *Hist. of So. Ca. under the Prop. Gov.* (McCrady), 673–680.

harbor for the protection of trade, were the only ships that rode out the storm. Though this hurricane levelled many thousand trees on the coast, yet so thick was the forest, it was said, that it was scarcely perceived an hundred miles from the shore.

The same year the yellow fever again broke out in the town and swept off multitudes of the inhabitants, both white and black. The people suffered for want of provisions. The town depending entirely on the country for its supplies, and the planters suffering no person to carry provisions to it for fear of catching the infection and taking it into the country, the townspeople were cut off in a great measure from their means of living. The physicians as yet knew not how to heal the disease,—if indeed they do so to-day,—and it proved quickly fatal. The calamity was so general that few could give assistance to their distressed neighbors. There were scarcely to be found sufficient white persons to bury the dead, and so quick was the decomposition after death, so offensive and infectious were the corpses, that even the nearest relations shrank from the duty.

CHAPTER VI

1729–30

Upon the passage of the act of Parliament accepting and confirming the surrender of the Proprietors' charter, and the final assumption by his Majesty King George II of the immediate government of the province, Governor Robert Johnson was chosen to inaugurate the first regular Royal administration.

This was indeed a great triumph for Governor Johnson. Refusing to betray the interests of the Proprietors, by whom he had been commissioned, he had lost his office as Governor of the province, which the people, recognizing his high character and remembering his gallant conduct in their defence against the pirates, were well content that he should hold, if only he would declare that he did so for the King. But this he would not do, as he had been appointed by the Proprietors; and yet his loyalty and constancy had been rewarded only with cold disdain and silence by those for whom he had sacrificed his position. Now his Majesty, appreciating and honoring the loyalty which would not permit him to act in the Royal interest if at the expense of others who had intrusted him with theirs, returned to him the office he had refused to retain in any manner inconsistent with his good faith. Mr. Middleton, as Speaker of the Commons, had made him give way to a revolutionary governor. Now the party which Mr. Middleton then led having quarrelled with him, Mr. Middleton was made to give way for Governor Johnson's restoration with a still higher commission and still greater honor.

Governor Johnson was in England at the time, and as early as the 9th of December, 1729, his commission and instructions were in preparation; and as Sir Francis Nicholson had been consulted in the preparation of those for the Provisional, so Governor Robert Johnson was now consulted in the preparation of those for the permanent Royal government.[1] Though the government under Sir Francis Nicholson had been in terms merely provisional, and though the Proprietors had hoped and intrigued for a restoration of their rule, apparently at times with some prospect of success, the Royal authorities had shown in the case of the draft of their instructions to Sir Francis and of the scheme of government they laid down that they were but preparing the way for the assumption of a permanent rule. Governor Johnson's instructions were in the main, therefore, little more than an enlargement of those of Governor Nicholson.

The people had overthrown the Proprietors and had appealed to be taken under his Majesty's immediate care and government; but they soon found that his Majesty's government was but that of the Lords Commissioners, or Board of Trade and Plantations; and this was to continue until the beginning of the difficulties with the mother country, when in 1768 the Earl of Hillsboro was intrusted with the care of the provinces as Secretary of the Colonies. The people of South Carolina had rebelled against the Proprietary government because of its tyrannical conduct, its incompetence, and its neglect of the affairs of the province. But that government had rested upon the charter under which it was held, and that was as binding upon the Proprietors as upon the colonists. It was the charter of the rights of the people as well as the title and authority of the Proprietors. It was, as we have else-

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 173.

where said, a written constitution to which the former could appeal and by which the latter were restricted in the exercise of their power. The people had thus become accustomed to a written rule or measure of government. Upon their revolt the Proprietary government had been set aside. But what had the colonists gained by way of guarantee of their rights and liberties? They had complained that some of the Proprietors were minors, and the rest so occupied with the business and pleasures of their immediate surroundings, that the affairs of the province were neglected and left to the management of their secretary. But if those having a most valuable proprietary interest in the province neglected its affairs because of their absence, what greater attention and better care was to be expected from a like distant board, the members of which had no personal interests in its prosperity? The time was not long in coming when they were to find the Lords Commissioners, the masters for whom they had exchanged the Proprietors, still more arbitrary and negligent of their affairs, and their vital interests again in the hands of a clerk, as it had been in the time of the Proprietors.

Under the government now to be set up, the Governor, Council, and Assembly constituted the three branches of the legislature, with power to make such laws as might be thought necessary and not repugnant to the laws of Great Britain. The Governor, Lieutenant Governor, and members of the Council were all appointed by the King; the Assembly elected by the freeholders in the same manner as provided by Governor Nicholson's instructions and the act upon the subject passed under his administration. The title of the Governor was that of "Governor in chief and Captain General in and over the Province." He also received a Vice Admiral's commission. But these high-

sounding titles Governor Glen in 1748 complained conveyed very little power. The Governor was little more than the agent of the Board of Trade. His Council, appointed by the King, were twelve in number, to whom was added the Surveyor General of his Majesty's customs in the colonies, who had a seat in council in all the governments within his district. With the consent of the Council and Assembly, it was said that the Governors had full power and authority to make, constitute, and ordain laws, statutes, and ordinances, but with this proviso, that all such laws, statutes, and ordinances, of whatsoever nature, or duration soever, be within three months or sooner after the making thereof, transmitted to England for the Royal approbation or disallowance. This was the same pernicious provision which had existed under the Proprietary government, by reason of which no laws could go into effect for months, or even years, after their enactment by the Assembly, and then only with the sanction of the Board of Trade acting in his Majesty's name. The Governor had a veto power, so that no law could be submitted to the Board of Trade in London but with his concurrence; but he could, on the other hand, put no law into execution without the previous permission of that body. This was a grievous evil, to continue throughout the Royal government, and to lead to great trouble and to cause great inconvenience and distress to the province. It is not too much to say that the evil effects of this provision are felt to the present day in the unfortunate differences between the upper and lower country of the state; for these are directly traceable to the delay and refusal of the Board of Trade to allow courts to be established and parishes to be laid out in the newly settled upper part of the province, as proposed by the colonial Assembly, because, forsooth, as will appear hereafter, the clerk of that

Board held the patent for the office of Provost Marshal of the province, which he exercised by an assignee in Carolina, and feared that the establishment of courts with sheriffs in the new settlements would deprive him of the fees which came to him as marshal of the whole province.

When the Governor was present the Lieutenant Governor had no other duties but those of a member of the Council. In the absence of the Governor the duties of that office devolved upon him, but he was allowed but half the salary of the Governor. The Governor was addressed as his Excellency, the Lieutenant Governor as his Honor; and this distinction was preserved even while the latter was administering the government.

In the place of the Council of Deputies under the Proprietors, a Council not exceeding twelve, as just mentioned, was appointed by the King, usually, but not always, upon the recommendation of the Governor. Three of these might constitute a quorum; but the Governor was not to act with a less number than four, except upon extraordinary emergencies. The Council sat as a distinct parliamentary body, in which freedom of debate was expressly secured, and laws were enacted in the name of the Council as well as of the Commons or Lower House. The style and character of the two Houses, and their relation to each other, became and continued throughout the Royal government to be the subject of question and discussion, as they had under that of the Proprietors; it is well, therefore, to observe here that the style of enacting laws under the Provisional government had been by his Excellency the Governor "by and with the advice and consent of the Council and Assembly of this Province."[1] Under Governor Johnson, in 1731, this power for a time was modified so as to read "by and with the advice and consent of his

[1] *Statutes of So. Ca.*, vol, III, 159 *et seq.*

Majesty's honorable Council and the *Commons House* of Assembly."[1] But the title "Commons House" had been expressly prohibited by special instructions to Governor Nicholson in 1729, and the title *Lower House* prescribed.[2] In 1733 recurrence was had to the prescribed form,[3] and it continued to be used until 1755, when, under Governor Glen, in the enacting clause of the statute the Lower House was again styled the *Commons House* of Assembly,[4] and the form was preserved during the remainder of the Royal government.

The manner of conducting parliamentary business closely followed that of England. Upon the meeting of the Assembly the Lower House, or Commons, chose a Speaker, and thereupon a message was sent by two members to inform his Excellency of the organization of the House and the election of a Speaker. All communications by the House to the Governor, we may add, were made in this manner by a message borne by two members. It was within the power of the Governor to allow or disallow the choice of a Speaker; but there is no instance of the disallowance of such an election, though in some instances, as we shall see, the person chosen was distasteful to the Governor. Upon receiving the message from the House informing him of its organization and choice of a Speaker, following the custom and form of Parliament in England, the Governor would send the House a message by the Master in Chancery, summoning the House to the Council chamber, as the Commons in England are summoned to the House of Lords. The Commons having come into the Council chamber, the Governor would address the two

[1] *Statutes of So. Ca.*, vol. III, 304.
[2] *Coll. Hist. Soc. of So. Ca.*, vol. II, 119.
[3] *Statutes of So. Ca.*, vol. III, 343.
[4] *Ibid.*,vol. IV, 14.

bodies in a "speech," in which he would communicate to them whatever he had in command from the King to lay before them, and also his suggestions and recommendations. The Commons then would withdraw and return to their chamber, where each body would prepare and return an address in answer to the Governor's speech. The two Houses communicated with each other by messages. During the controversy as to the right of the Council to alter or amend a tax bill, which occurred in the last days of Governor Johnson's administration, and which outlasted his life, the Council is spoken of in the Commons journal indifferently as a Board and as an Upper House, and in the declaration upon the subject, which the Commons, as we shall see, caused to be engrossed upon a separate page in large and bold letters, the Council is styled "The Upper House of Assembly."

For some time after the establishment of the Royal government, the councillors were chosen from the men of highest position in the province, and these served without emolument or reward save the high estimation attached to the office; but as time went on, and an estrangement grew up between the mother country and the colonies, seats in the Council were filled by strangers, — mere place men, — who came out to fill small offices on paltry salaries.

During Governor Johnson's administration, he reports that besides those of the Governor and Lieutenant Governor the following were the places within the gift of the Crown, and their value; Chief Justice, £120; Provost Marshal, £150; Secretary of the Province, £200; Clerk of the Crown and Pleas, £40; Register of Conveyances, £20; Master in Chancery, £20. To these, however, there were fees and other perquisites attached which probably increased their value very considerably. The offices of the Attorney General, Receiver of the King's Quit Rents,

and Surveyor General, depending entirely upon fees, had no value attached, as being variable.[1] These offices were known as Patent Offices; *i.e.* they were granted by patents — Royal writings sealed with the Great Seal.[2] Some of these patents were assignable; for instance, the offices of Provost Marshal or High Sheriff, and Clerk of the Courts were held by patent, usually to one person, and that a non-resident of the colony, who, by assignment, farmed them out to persons in the colony who performed their duties and divided with the patentees the fees and perquisites. The office of Provost Marshal, instead of a High Sheriff, was an inheritance. Bryan Edwards in his *History of the West Indes* says that, as the name denotes, the office of Provost Marshal was of a military origin, and doubtless was first instituted in those islands before the introduction of civil government, and was continued afterwards by custom. The patent was usually granted for two lives, and the patentee was permitted to act by deputy.[3] It may be remembered that Edward Rawlins held this office under the Proprietors in 1699 when he died, and George Rodd held the office in 1716. The appointment of Thomas Lowndes by the Proprietors in 1725, notwithstanding that the King was administering the government provisionally, was one of the measures by which they asserted the continuance of their right to the government. Their grant was to Thomas Lowndes, his heirs and assigns, of "the offices and places of Provost Marshal, Clerk of the Peace and Clerk of the Crown of and in the province of South Carolina in America for the several and respective natural lives of the said Thomas Lowndes and Hugh Watson of the Middle Temple Gen't

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 275.
[2] Jacobs's *Law Dic.*, Title Patent.
[3] *Hist. of West Indes*, Bryan Edwards, vol. I, 213.

to execute the same by the said Thomas Lowndes his heirs and assigns or by his or their sufficient deputy or deputies." When the government was formally surrendered by the Proprietors to the Crown in 1729, Mr. Lowndes, claiming to have been instrumental in bringing about the surrender, received a renewal of the patent from the Crown in 1730. He assigned the patent for these offices to George Morley, who soon after came out and assumed the duties. In 1736 Morley returned to England, and, upon his nomination, Robert Hall was appointed to succeed him, which he did and held until his death in 1740. We have been thus particular in treating of this office, its origin, and its nature, for it will be found hereafter to have been one of the impediments to the settlement of the country, and to have been involved in the differences between the colonists and the mother country which led to the Revolution.

We have seen the failure of Governor Nicholson's grand scheme for the establishment of a city government. The colonists evidently thought the less government the better, and, as the parish had been adopted as the unit of civil as well as ecclesiastical administration, and the machinery of the church wardens and vestry made use of for some civil purposes, the vestry and wardens of St. Philips Church were deemed sufficient for such municipal duties as were regarded necessary. The Rev. Alexander Garden had arrived in Charlestown in 1719, the year of the overthrow of the Proprietary government, and had been elected Rector of St. Philips; and as such he was to serve faithfully thirty-four years. In 1723 the new church, which had been built in the last years of the Proprietary government, was completed and opened, and, in 1726, Mr.

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 174; *Lowndes of South Carolina* (Chase), 12.

Garden had been appointed Commissary of the Bishop of London, about the jurisdiction of which office there could be now no longer any question, as formerly, since the Bishop's jurisdiction had been particularly established by the Royal instructions of both Sir Francis Nicholson and of Governor Robert Johnson. The register of births, marriages, and deaths of St. Philip's still exists from the year 1720; that is, from the beginning of Dr. Garden's pastorate. There are no minutes of this vestry prior to 1732.[1] They have been preserved continuously from that time.

In the first vestry of which we have the record, we find the names of three Huguenots, — Colonel Samuel Prioleau, son of Elias Prioleau the pastor, the founder of the Huguenot Church in Charleston, and the most distinguished and prominent of all the Huguenots who came to the province, Mr. Gabriel Manigault, the son of the emigrant and Judith Manigault, a most interesting sketch of whose remarkable career is found in the 4th number of the Transactions of the Huguenot Society of South Carolina, and Mr. John Abraham Motte, the founder of the distinguished family of that name. The presence of these Huguenots in the first vestry of this, the Church of England, of which we have record, is mentioned, as it indicates the relation of the French Protestants generally to that

[1] See *Hist. of So. Ca. under the Prop. Gov.* (McCrady), 412–442. The earliest journal begins with this entry: "At a meeting of the Parishoners of St. Philips, Charlestown, at the Church on Easter Monday the 10th April, 1732, as many of the Parishoners of the Church of England as thought fit to give their attendance did then and there choose the following Gents for Vestrymen and Church Wardens for the present Year, Pursuant to an Act in this Province in that case made and provided, viz: His Excellency Robert Johnson, Esq., Governor, Col. Prioleau, Captain Greene, Mr. Yeoman, Mr. Manigault, Mr. Motte, Mr. Fairchild; Church Wardens, Captain Robert Austin and Mr. William Mackenzie."

body and their affiliation with it. A few entries from the journal will show that these offices were no sinecures, and will indicate the municipal and other duties imposed upon the vestry and wardens of St. Philip's in the absence of a City Council. From these it will appear that there is little reason to wonder that persons had to be forced to serve as such, under penalties for refusing.

An account is opened "*The Parish of St. Philip's Church Charles Towne, William Rhett and Henry Housea, Wardens.*" It charges them with cash received from Governor Nicholson; from the former church wardens; from "Mr. Joseph Wragg out of the Sacrament money"; from the clerk in part of the assessment for the year 1725; from "a legacy for the poor," etc. It credits them with "cash gave for the support of John Newton turned into the streets £6." "Ditto Thomas Garrat sick with the flux £2.10." Ditto Mary Matthews in a poor and miserable condition £1.05, and so on day by day. We find them collecting fines "for a man swearing without a book," paying money "for six days work levelling the street" and "filling up the pond." In 1742 we find these entries: "10 Novem^{r} By Ditto received from Benjamin Smith a fine recovered by Justice Gibbs from Peter Boez for knocking down Mr. Pinckney negro £2." . . . "Ditto from Mr. Tributed for retailing Rum on Sunday 10*s.*" Ditto "Sunday fines received of several persons for walking ab^{t} street of a Sunday During Divine Service 19*s.* 6*d.*" The same, April 11, 1743, £1 5*s.* August 3, 1745, "for a white man beating a negro" £2. August 7, 1747, "By Do. of Mr. Gibbes for persons beating negroes" £6. February 24, 1749, "Rec'd Coll Austin for a white man striking a negro" £2. Ditto for Jas. Larden striking a negro, £2, etc.

In 1733 Mr. John Laurens, another Huguenot, is elected

a church warden ; and on the 9th of April he informs the vestry that Dr. William Turner was willing to take charge of the poor of the parish and look after them for £100 current money a year, which the vestry consented to give. On the 5th of July, 1734, the vestry sign a tax-list for £1000, which they were authorized to assess and levy toward the relief and maintenance of the poor. In 1738 the tax-list is signed for £1534 18*s.* 3*d.*, and so on.

These were the principal features of the government which Robert Johnson was about to be sent to inaugurate in South Carolina.

While the Royal authorities were busy preparing and settling the form of government they proposed to set up and establish, before Governor Johnson's return with his new commission, they made an effort to secure a better understanding with the Indians in and surrounding the province the King had just purchased. For this purpose Sir Alexander Cumming was appointed Commissioner, and sent out to conclude a treaty of alliance with the warlike and formidable nation of the Cherokees. Sir Alexander arrived in Carolina about the beginning of the year 1730, and at once made preparation for his journey to the distant hills. For his guides he procured some Indian traders well acquainted with the woods, and an interpreter who understood the Cherokee language. When he reached Keowee, about three hundred miles from Charlestown, the chiefs of the towns met him, and received him with marks of great friendship and esteem. A general meeting of all the chiefs was summoned to hold a congress with him at Nequasse, and in the month of April the chief warriors of all the Cherokee towns assembled at the place appointed. After various Indian ceremonies were over, Sir Alexander made a speech to the Indians, informing them by whose authority he was sent, and representing the great power

and goodness of his sovereign King George. He told them he had come a great way to demand of all the chieftains of the nation to acknowledge themselves the subjects of the King, and to promise obedience to his authority. The chiefs, falling on their knees, solemnly promised fidelity and obedience, calling upon all that was terrible to fall upon them if they violated their promises.

Sir Alexander then by their unanimous consent nominated Moytoy Commander-in-Chief of the Indian nation, and enjoined all the warriors of the different tribes to acknowledge him for their king, to whom they were to be accountable for their conduct. To this they all agreed, provided Moytoy should be answerable to Sir Alexander for his behavior to them. Many useful presents were made to them, and the congress ended to the great satisfaction of both parties. The crown was brought from Tenassee, their chief town, which, with five eagle tails and four scalps of their enemies, Moytoy presented to Sir Alexander, requesting him on his arrival in Britain to lay them before his Majesty's feet. But Sir Alexander proposed to Moytoy that he should depute some of their own chiefs to accompany him to England, there to do homage in person to the great King. Six of them accepted the invitation and accompanied Sir Alexander to Charlestown, where, being joined by another, they embarked for England in the *Fox* man-of-war, and arrived at Dover in June, 1730.

Being admitted to the King's presence, in the name of their nation, the Indian chiefs promised to continue forever his Majesty's faithful and obedient subjects. A treaty was accordingly drawn up and signed by Alured Popple, Secretary to the Commissioners of Trade and Plantations, on the one side, and by the Indian chiefs on the other.

The treaty declared that his Majesty the great King

took it kindly that the great nation of Cherokees had sent them so far to brighten the chain of friendship between him and them and between his people and their people; that the chain of friendship between him and the Cherokees was like the sun, which shone both in Great Britain and also upon the great mountains where they lived, and equally warmed the hearts of Indians and Englishmen; that as there was no spot or blackness on the sun, so neither was there any rust or foulness on this chain. And as the King had fastened one end to his breast, he desired them to carry the other end of the chain and fasten it to the breast of Moytoy of Telliquo, and to the breasts of all the old wise men, their captains, and people, never more to be weak, loose, or broken.

The great King and the Cherokees being thus fastened together by a chain of friendship, it was agreed that his children in Carolina should trade with the Indians and furnish them with all manner of goods they wanted, and to make haste to build houses and plant corn from Charlestown toward the Cherokees behind the great mountains; that the English and Indians should live together as children of one family, that the Cherokees be always ready to fight against any nation whatever, white men or Indians, who should dare to molest or hurt the English; that the nation of Cherokees, on their part, should take care to keep the trading path clean, that there be no blood on the path where the English stood, even though they should be accompanied with other people with whom the Cherokees might be at war.

The Cherokees were not to suffer their people to trade with white men of any other nation but the English, nor permit white men of any other nation to build any forts or cabins or plant any corn among them upon lands which belonged to the great King; that if any such attempts

should be made, the Cherokees must acquaint the English Governor therewith, and do whatever he directed. That if any negroes ran away into the woods from their English masters, the Cherokees should endeavor to apprehend them and bring them back, and for every slave so apprehended and brought back, the Indian bringing him should receive a gun and a watch coat; and if it should happen that an Englishman should kill a Cherokee, the king or chief of the nation should first complain to the English Governor, and the man who did the harm should be punished by the English laws, as if he had killed an Englishman; and in like manner, if any Indian happened to kill an Englishman, the Indian should be delivered up to the Governor to be punished by the same English laws as if he were an Englishman.

The treaty, that it might be the easier understood, was drawn up in language as similar as possible to that of the Indians, which at that time was very little known in England, and given to them certified and approved by Sir Alexander Cumming.

In answer to the King's address one of the Cherokees, Skijagustah, in name of the rest, made a speech, which Hewatt gives at length, in which he declared that they looked upon the great King George as the sun and their father, and upon themselves as his children. For though we be red, he said, and you are white, yet our hands and our hearts are joined together. When we have acquainted our people with what we have seen, our children from generation to generation will always remember it. In war we shall always be one with you. The enemies of the great King shall be our enemies; his people and ours shall be one. In concluding he said, "Your white people may very safely build houses near us; we shall hunt nothing that belongs to them, for we are children of one

father, the great King, and shall live and die together." Then, laying down his feathers upon the table, he added, "This is our way of talking, which is the same to us as your letters in the book are to you, and to you, beloved men, we deliver these feathers in confirmation of all we have said."[1]

The wise measures, says Ramsay, adopted by Sir Francis Nicholson, the first Royal Governor, and the treaties afterward entered into with the Indians by Sir Alexander Cumming, the settlement of Georgia, and the judicious measures adopted by General Oglethorpe, together with the increasing strength of the whole people and the decreasing number of the Indians, all concurred in preserving peace with the savages so far that for forty years subsequent to the Yamassee war in 1715 the peace of the province was preserved without any considerable general interruption.[2]

[1] Hewatt's, *Hist. of So. Ca.*, vol. II, 4–11.
[2] Ramsay's *Hist. of So. Ca.*, vol. I, 166.

CHAPTER VII

1731–32

Governor Robert Johnson's instructions having been finally settled, he sailed for Carolina, bringing with him the Indian chiefs with whom his Majesty had entered into the treaty, as just related, impressed with the power and greatness of the English nation, and pleased with the kind and generous treatment they had received. He arrived in Charlestown in the beginning of the year 1731. He also brought with him a commission for his brother-in-law, Thomas Broughton, as Lieutenant Governor of the province, and one for Robert Wright as Chief Justice. The members of his Council were William Bull, James Kinloch, Alexander Skene, John Fenwicke, Arthur Middleton, Joseph Wragg, Francis Yonge, John Hammerton, and Thomas Waring.

Richard Allein, Francis Yonge, Charles Hill, and Thomas Hepworth had been acting as Chief Justices during the Provisionary government of Sir Francis Nicholson, but the Lords Proprietors not yet having surrendered their charter, and still claiming the right to fill the office, had appointed Robert Wright Chief Justice for life. And so in 1726 we find Thomas Lowndes, in the petition to the Duke of Newcastle in regard to the office of Provost Marshal to which we have before referred, setting out that during the negotiation with the Crown, which he claimed to have carried on in behalf of the Proprietors, it had been stipulated that should the grant to Robert Wright of the office of Chief Justice be surrendered and he acquiesce

in a commission during his Majesty's pleasure, that he, Lowndes, should have the offices of Provost Marshal, Clerk of Peace, and Clerk of the Crown for his own life, and the life of another severally, and praying that as that arrangement had been effected by him, the necessary directions should be given in order that he might have the offices.[1] The understanding appears to have been carried out, and these offices were thus united, and held in England during the Royal government as sinecures, the duties being performed by assignees of the patent or deputies in South Carolina,—a matter, as we have said, to prove of great annoyance, and causing infinite trouble to the colony,—one, indeed, which had no little influence in preparing the way for the overthrow of the Royal government itself. This Robert Wright, who, by the surrender of a doubtful title to a life tenure under the Proprietors, secured a better title, *durate bene placito*, under the Crown, was the son of Sir Robert Wright, who was Chief Justice of the King's Bench at the time of the trial of the seven Bishops,—the last of the profligate Chief Justices, as Lord Campbell describes him.[2] The South Carolina Chief Justice was a very different man from his father. Unlike his father, he was a judge of professional ability and high character. We shall soon see him involved in a struggle with the Governor, Council, and Commons in a matter involving the liberties of the people. It may be added that he was more fortunate in his son than in his father. His son, Sir James Wright, becoming successively Attorney General, Chief Justice, Lieutenant Governor, and Governor of Georgia, a man of marked ability and character.[3]

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 250.

[2] *Lives of the Chief Justices* (Campbell), vol. II, 83.

[3] *Hist. of Georgia* (Stevens), vol. I, 455; Hildreth's *Hist. of U. S.*, vol. II, 511; III, 279.

While his Majesty's government had been very jealous in watching and guarding the political powers it was granting in establishing the new rule, now that it had taken the colony under its immediate care, it was liberal in its favors for the material prosperity of the province. The great end for which the agents in London had been laboring was accomplished. The restraint upon the exportation of rice under the navigation acts was released so far as to allow the Carolinians to ship it directly to any port south of Cape Finisterre, instead of carrying it first to England and then reshipping it to Spain, Portugal, and the Mediterranean ports, as they had hitherto been obliged to do since it had been put upon the enumerated lists. This favor was supposed to be of an immense importance to the colony, but, as it will appear, did not in fact add so much to its wealth as had been expected. Another favor of the same kind was a bounty upon hemp which was allowed by Parliament. Another, which was regarded by the people with great satisfaction, was an instruction to the Governor empowering him to give his assent to an act allowing for seven years a part of the duties which had been appropriated to the discharge of the bills of credit to be applied instead to the purchasing of tools, provisions, and other necessaries for Protestant settlers in the province. In pursuance of this instruction an act commonly known as the *Appropriation Law* was one of the first measures of the new administration. Under this act £77,000 in bills were stamped and issued. Then the arrears of quit-rents bought from the Proprietors were remitted by a bounty from the Crown. Seventy pieces of cannon were sent out by the King, and the Governor had instructions to build a fort at Port Royal and another on the Altamaha in the place of that destroyed. An independent company of foot was allowed to be raised for the defence of

the province by land, and ships of war were stationed for the protection of trade. No wonder that Governor Johnson, returning with these and other favors, was joyfully received as his Majesty's representative. The colony deemed itself emerging from the depths of poverty and oppression and rising to a state of freedom, ease, and affluence.[1]

The first matter of importance which met Governor Robert Johnson on his assumption of the Royal government was that in regard to the boundary between the now separate and distinct provinces of North and South Carolina. This matter of boundary had not been of so much importance while the two colonies constituted but one province. But now that, under his Majesty's government, the territory was divided, and distinct governments established, it became necessary that the limits of the two provinces, as they now were, should be definitely defined. In fact, however, this matter was not finally settled until 1815, and in the meanwhile was the subject of many disputes. The question met Governor Johnson on the threshold of his administration.

Upon assuming the immediate government in North Carolina upon the surrender of the charter by the Proprietors in 1729, his Majesty had pursued the same course as he had adopted in regard to South Carolina. He had appointed the last Proprietary Governor of that province its first Royal Governor. But Governor George Burrington was a man of very different character from Governor Robert Johnson. The latter, it is true, had been deposed by his people, but his people loved and honored him none the less because he would not desert the Proprietors, from whom he held his commission, and they had joyfully received him upon his return as Governor under the King.

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 12, 13; *Statutes of So. Ca.*, vol. III, 301; *Reports on the State of the Paper Currency*, 1737 (Pamphlet).

But in North Carolina there was no such attachment to Governor Burrington, who appears to have been a man of ability, but of violent and ungovernable temper and tyrannical conduct.[1]

Both Governors were in England while their commissions and instructions were being prepared, and had been called together before the Board of Trade and consulted in regard to the boundary line of the two provinces. The Board of Trade, in their draft of instructions to Governor Burrington, had directed that, in order to prevent any dispute as to the southern boundary of the province under his government, it was their "pleasure that a line should be run (by commissioners appointed by each province), beginning at the sea thirty miles distant from the mouth of the Cape Fear on the South West thereof, keeping the same distance from the said River as the course thereof runs to the main source or head thereof, and from thence the said Boundary line shall be continued due west as far as the South Seas." Governor Burrington was not satisfied with this boundary and laid before their Lordships a map of Colonel Moseley, showing the rivers Cape Fear and Waccamaw, and insisted upon the Waccamaw River being the boundary from the mouth to the head thereof. Governor Johnson, on the other hand, desired their Lordships not to alter their instruction, which placed the boundary thirty miles distant from the mouth of the Cape Fear. To this the Board of Trade agreed, unless the *mouth* of Waccamaw was within thirty miles of the Cape Fear, in which case it was agreed by both Governor Burrington and himself, as Governor Johnson understood, that the Waccamaw should be the boundary.[2] Upon this agree-

[1] Prefatory Note to vol. III, *Colonial Records of No. Ca.* (W. L. Saunders).

[2] Governor Johnson's Proclamation, *So. Ca. Gazette*, November 4, 1732.

ment the following clause was added to the instruction: "But if Waggamaw river runs within fifty miles of Cape Fear then that river to be the boundary from the sea to the Head thereof and from thence to keep the distance of 30 miles parallel from Cape Fear River to the head thereof, and from thence a due west course to the South Seas."[1]

The point of difference between Governor Johnson's understanding, it will be observed, is that while Governor Johnson understood the agreement to be that the Waccamaw was not to be the boundary unless the *mouth* of that river was within thirty miles of the Cape Fear, Governor Burrington's instructions read that the Waccamaw was to be the boundary if that river ran within fifty miles of the Cape Fear. The Waccamaw, it happens, runs for miles parallel to the coast and its mouth is within forty miles of the Cape Fear, and so by the letter of Governor Burrington's instructions that river was the northern boundary of South Carolina.

Governor Johnson knew nothing of the terms of Governor Burrington's instructions, and of his claim thereunder, until the 21st of October, 1732, when there appeared in the *South Carolina Gazette* the following notification by Governor Burrington: —

"I am informed that several persons in South Carolina have taken out warrants there to survey lands formerly possessed by the Congerree Indians, which are within *this* government. Therefore to prevent unadvised people from parting with their money to no purpose and to give satisfaction to all persons whom it may concern I have transcribed his Majesty's instructions for ascertaining the bounds of the two governments of North and South Carolina." (Here follows the instructions as above.)

Governor Johnson, in the next issue of the *Gazette* of the 4th of November, 1732, published a proclamation

[1] *Colonial Records of No. Ca.*, vol. III, 115.

expressing his surprise at Governor Burrington's advertisement, giving his version of the matter as above, and stating that he had informed the Lords of Trade of the different interpretations Governor Burrington and himself had put upon the instructions, and desiring his Majesty's further orders thereon. Governor Glen, writing in 1748, declared that the dispute was kept alive by persons who thus evaded the payments of quit-rents to either government.[1]

This curtailment of her territory on the north was not, however, near so great a loss as that she was about to experience on the south. The scheme of Sir Robert Montgomery to establish a colony — "the Margravate of Azilia," as it was termed — between the Carolina planters at Port Royal and the Spaniards at St. Augustine, had fallen through, as we have seen, during the revolution which overthrew the Proprietary government. That scheme was now to be resumed by another under other auspices.

It happened that contemporaneously with the purchase by his Majesty of the Proprietary interest in Carolina James Edward Oglethorpe, then a member of Parliament, was pressing his inquiries into the state of jails of the Kingdom, from which grew his scheme for the colonization of debtors and criminals as a means of relieving the British prisons and furnishing an asylum for these unhappy people whose miseries he was forcing upon the attention of the government and public. In the prosecution of this scheme he conceived the idea of using these people instead of the colony of Scotch Sir Robert Montgomery had endeavored to organize, thus at once giving a place of refuge to the unfortunate debtors and criminals, to whom the danger of the tomahawk of the Indian was scarcely to be more dreaded than their present suffering;

[1] Carroll's *Coll.*, vol. II, 198.

and at the same time establishing a colony which would be a barrier between the Spaniards at St. Augustine and their Indian allies and the people of South Carolina.

To carry out this purpose a memorial was presented to the Privy Council by himself and others, noblemen and gentlemen, proposing to take upon themselves the charge of the southern frontier, if the Crown would grant them a portion of the land bought from the Proprietors lying south of the Savannah River, and give them such corporate powers as would enable them to receive the charitable contributions and benefactions of such persons as were willing to encourage so good a design. The scheme of planting this living wall between the growing colony of South Carolina and their long-dreaded neighbors was readily accepted. On the 9th of June, 1732, his Majesty George the Second granted a charter which, reciting that South Carolina in the late war had been laid waste by fire and sword and great numbers of the English inhabitants miserably massacred by the neighboring savages, and that his Majesty's loving subjects living there, by reason of the smallness of their numbers in case of a new war would be exposed to like calamities, for the purpose therefore of settling and peopling the frontier granted to certain "Trustees for establishing the colony of Georgia in America" a part of the former province which was described as "all those lands, countries, and territories situate, lying, and being in that part of South Carolina in America which lies from the most northern part of a stream or river then commonly called the Savannah all along the seacoast to the southward until the most southern stream of a certain other great water called the Altamaha and westwardly from the heads of the said Rivers respectively in direct lines to the South Seas." This grant, it will be observed, did not cover all the territory

to the south of the Savannah, but carved out of it a province, leaving a considerable tract, between the Altamaha and Florida, which still belonged to South Carolina. The Governor of South Carolina in 1762, regarding the lands to the south of the Altamaha as still belonging to his province, granted several tracts, whereupon the Governor of Georgia complained to the King, who, by proclamation dated the 7th of October, 1763, annexed to Georgia all the lands lying between the Altamaha and the St. Mary rivers. This, however, still left a strip lying between the North Carolina line and that of Georgia, which was claimed by South Carolina. It was not until after the revolution, to wit, the 28th of April, 1787. that the boundary was settled by a convention between the States of South Carolina and Georgia. This settlement left to South Carolina but a small strip of territory extending westwardly to the Mississippi, which was ceded to the United States by act of the 9th of August following.[1]

The boundaries of South Carolina thus settled include an area of about 30,000 square miles.[2] The territory thus

[1] *Statutes of So. Ca.*, vol. I, 169, 411, 413.

[2] By the first map of South Carolina, which was made by William Gerald De Brahm in 1757, the area is estimated at 33,760 square miles. James Cook, in 1771, and Henry Mouzon, in 1775, published in London excellent maps, from which Drayton and Ramsay make the area 24,080. Between 1816 and 1820 the State expended $52,760 on a map of the State, under the direction of John Wilson, which was published in 1822. The State spent $12,000 more for the purpose in 1825, and obtained Robert Mills's large Standard Atlas, which has been the basis of all subsequent atlases, and the accuracy of which has been fully established by all subsequent geographers. Mills estimates the area of the State at 30,213 square miles. The United States census of 1870 puts it at 30,170. The area of South Carolina may thus be assumed to be a little over 30,000 square miles. See Drayton's *View of So. Ca.*, 3; Ramsay's *So. Ca.*, vol. I, 29; Mills's *Statistics*, 179; *South Carolina's Resources and Population*, 3.

defined approaches in shape the form of an isosceles triangle — the equal sides being on the north the boundary line of North Carolina, and on the south and west the Savannah River separating it from Georgia. The apex of the triangle rests upon the summit of the Blue Ridge Mountains at their extreme southern end. The base, sweeping with a gentle shaped curve from the southwest to the northeast, forms a part of the Atlantic shore line of America.[1]

Thus was the immense territory covered by the grant of Charles the Second divided, and that of South Carolina curtailed. This curtailment was doubtless in a great measure the result of the ignorance of the government in England of the geography of the country. The division between North and South Carolina, even had the Waccamaw River been taken as the boundary, would not have been illiberal to South Carolina had she retained the rest of the territory covered by the charters. Nor would there have been much reason to complain had the mouth of the Savannah been fixed upon as the beginning of her southern boundary, had that boundary line been run due west. It was, with little doubt, ignorance in regard to the course and direction of the Savannah River that caused the great inequality in her domain as compared with that of her sister province. It was not only territory that South Carolina lost at this time; her population was greatly reduced. In 1724 the white population was about 14,000, and the slaves, mostly negroes, about 32,000, in all 46,000.[2] In 1734 the whites had fallen to 7333, the negroes to 22,000. The whole population was but 29,333.[3] It must

[1] *South Carolina's Resources and Population*, published by State Board of Agriculture, 1883, 3.

[2] Governor Glen, Carroll's *Coll.*, vol. II, 261.

[3] Drayton's *View of So. Ca.*, 193.

be remembered that this population was still confined almost entirely to the seacoast.

But fresh tides of population were now to set in, and, following up the rivers, were gradually to penetrate other parts of the province. The peculiar formation and characteristics of the territory of South Carolina have doubtless affected its settlement and population to no little extent. A brief sketch of its main features is therefore not only pertinent, but necessary, indeed, to follow the various streams of population which were to flow into her borders during the next thirty years, and to understand their influences upon the subsequent history of the State. The admirable work compiled and prepared by the State Board of Agriculture, and published in 1883, entitled *South Carolina's Resources and Population, Institutions and Industries*, gives us a most comprehensive and excellent description of the general features, physical and agricultural, of the area of the State; and from this we have collated the following account.

The coast of South Carolina, from the mouth of the Savannah to that of Little River on the North Carolina line, is about 190 miles in length. The shore rises gradually from the Atlantic Ocean and is intersected by numerous inlets, creeks, and marshes, dividing the coast into a number of islands. From Winyaw Bay to Charleston harbor, though numerous, these islands are small and low; below this harbor they increase rapidly in size and number to the waters of the Port Royal, where they line the shore in tiers three or four deep, attaining their greatest development around Broad River, and diminishing again in size and number as they approach the Georgia line at the mouth of the Savannah. The islands on the immediate coast-line present a sandy front to the sea, undulating with conical sand-hills sixteen or twenty feet

high, while the sides next the mainland are level and low and are connected with extensive marshes, also intersected by creeks and inlets. Rising from the sand-hills the palmetto, from which the State derives its appellation of the "Palmetto State," stands out a conspicuous landmark to those who approach from the sea. Beyond rise the dark green turrets of the pines, beneath which a tangled growth of myrtles and vines is found.

Behind these islands the mainland presents a level country, with a surface of light black earth on a stratum of sand, and that sometimes rising on a stratum of marl or clay. These lands generally produce extensive pine forests, known by the name of *pine barrens*, because of their unproductive nature. They rise for eighty miles or more by an almost imperceptible ascent, until their elevation reaches the maximum of 134 feet above the sea.[1] The characteristic growth of this region is the long-leaved pine, extending in open pine woods over the wide plain, with scarcely any undergrowth except here and there a scrub oak and coarse wild grass. This is probably not its natural appearance, but has been caused by the immemorial custom derived from the Indians of burning the dry grass in the spring in order to hasten the early pasturage — a custom which destroys the young shrubs which would shoot up into a growth of underwood.

A number of swamps and bays are found throughout this region, which branch out and unite by an infinity of different meanderings, sooner or later emptying their waters into some river or outlet from the sea. Natural meadows, called savannas, here abound.

The soil of some of the sea islands is of a very sandy nature, producing small pines and bay trees, live oak, cedar, palmetto, myrtle, cassina, wild olive, prickly pear,

[1] At Branchville in Orangeburg County.

seaside oats, and scattering, coarse saline grasses. The soil of others, though sandy, is extremely fertile, and the land is wooded with pine, white oak, red oak, live oak, gum, hickory, dogwood, sassafras, elm, laurel, and bay, while their undergrowth is covered with a profusion of shrubbery and jasmine. The palmetto reaches only a few miles inland from the salt water, but the live oak is found as far as sixty miles from the shore line. In the savanna region the magnolia, tulip tree, sweet and black gum, the white and red bays, the white oak, the black oak, the walnut, the elm, hickory, and cypress are among the largest and most conspicuous trees of the swamps; the undergrowth, commencing with a fringe of gallberry on the margin of the swamps and consisting of a great variety of grape, briar, and other vines, myrtle, etc., is very dense.

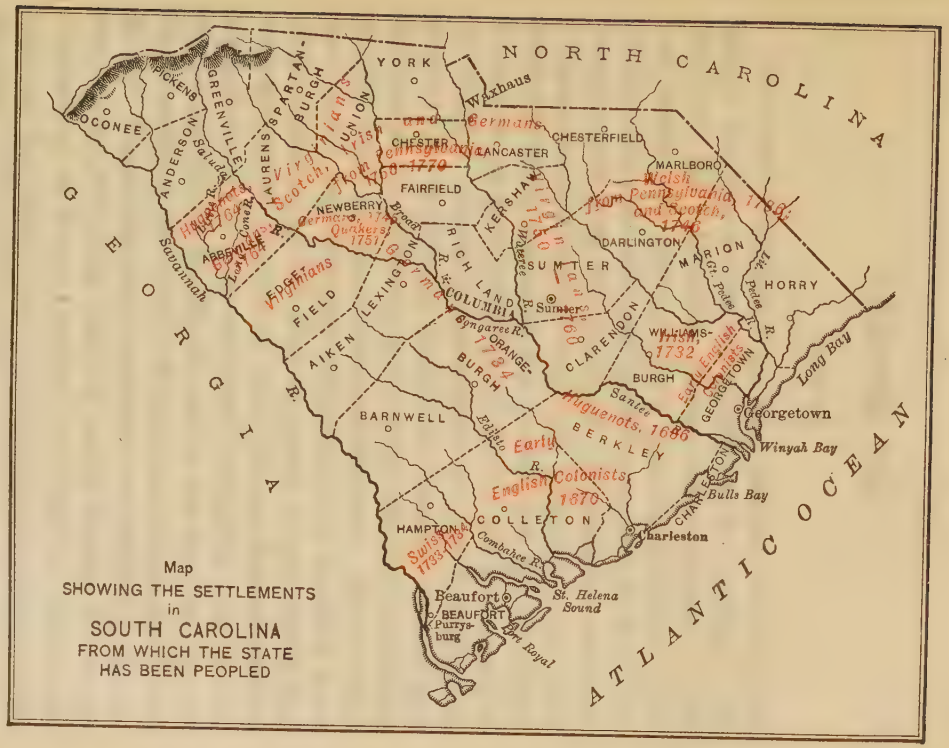
Twice a day the tides, with endless ebb and flow, sweep through the innumerable inlets, creeks, and passages which pierce the islands and the mud flats in their rear. Here the great rivers of the upper county, which take their rise at the foot of the Blue Ridge Mountains, mingle their fresh waters with the brine and lose their way to the sea amidst a labyrinth of tortuous passages.[1]

Parallel with this coast-line trend the divisions between the various geological formations. These, with here and there a patch of the miocene and cretaceous formations, stretch back into the interior about one hundred miles, until they reach the crystalline rocks, whose well-marked line has during the entire past history of the State divided it socially, politically, and industrially into what has always been known as the upper country and the low country of South Carolina. This division of the State into up country and low country by the line bounding the southern margin of the crystalline rocks, and trending

[1] *South Carolina Resources*, etc., 611.

northeast and southwest across the central portion, is strongly marked in everything: in the hills and the high lands of the up country, with their heavy red clay soils, and in the gentle slopes or wide flats of lighter colored sandy loam of the low country; in the rapid, turbid water-courses of the one and the slow, clear currents of the other; in the vegetable growth, the chestnut and the deciduous oaks, and the short-leaf pine occupying the upper country and the long-leaf pine, the magnolia, and the evergreen oaks, with the long gray moss, marking the low country; and lastly in the manners, character, ancestry, and even in the tones of voice of the inhabitants.

Perpendicular to this direction — that is to say, in a southeasterly course — the four great rivers with their numerous tributaries that drain and irrigate South Carolina make their way from the mountains to the sea. Before leaving the crystalline rocks — the point that marks their lower falls and the head of steam navigation — the rivers have received the rapid currents of nearly all their affluents. Thereafter the stately flow proceeds more slowly, passing the great inland swamps of the low country as if the waters still remembered where they found issuances through these ancient deltas. As each river leaves the region of rocks to enter the borders of the low country, it makes a sudden and well-marked detour eastward, except the Savannah, which seems to have had its bed shifted westward at the time of demarkation.



Map
SHOWING THE SETTLEMENTS
in
SOUTH CAROLINA
FROM WHICH THE STATE
HAS BEEN PEOPLED

SOUTH CAROLINA
SHOWING THE COUNTIES

CHAPTER VIII

1732–34

Vigorous measures were now adopted for the more speedy population and settlement of the province. By his instructions Governor Johnson was directed to mark out eleven townships in square plats on the sides of the rivers, each consisting of 20,000 acres, and to divide the lands within them into shares of fifty acres for each man, woman, and child that should come over to improve them. Each township was to form a parish, and all the inhabitants were to have equal rights to the river. So soon as the parish increased to the number of a hundred families, it was to have the right to send two members of their own election of the Assembly and to enjoy the same privileges as the other parishes already established. Each settler was to pay four shillings a year for every hundred acres of land, excepting the first ten years, during which they were to have the lands rent free. Eleven townships were marked out,—two on the river Altamaha, two on the Savannah, two on the Santee, two on the Pee Dee, one on the Waccamaw, one on the Wateree, and one on the Black River. These townships acquired the following names. One on the Savannah near its mouth became known as Purrysburg, or Swiss Quarter; the other on that river, opposite the present site of the city of Augusta, New Windsor. The only township laid out on the Pee Dee was called Queenstown; that on the Wateree, Fredricksburg; that on the Black River, Williamsburg; and that

on the Waccamaw, Kingston. Of the two directed to be laid out on the Santee one was called Amelia, and the other, which was on the part of that river now known as Congaree, was called Saxe Gotha. Another, not one of those apparently specifically contemplated by the instruction to Governor Johnson, was laid out on the north fork of the Edisto and became known as Orangeburg Township. The territory ordered to be laid out in two townships on the Altamaha became a part of the new province of Georgia. Two of the townships afterward became parishes, to wit, Amelia and Orangeburg; and three others, Kingston, Williamsburg, and Saxe Gotha, became election districts;[1] but except in these instances the township was nothing more than a designation of so much territory. The door was thrown open to Protestants of all denominations, and great inducements were held out to settlers. And notwithstanding another terrible season of yellow fever in Charlestown population began to flow into the province. In the year 1732 the fever appeared as early as May and continued until September or October. In the height of the epidemic there were from eight to twelve whites buried a day, besides people of color. The ringing of bells was forbidden, and little or no business was done.

From the inducements offered between the years 1730 and 1750 a great addition to the strength of the province was made by emigrants from Germany, Holland, Switzerland, Ireland, Scotland, and Wales, to be followed between 1750 and 1760 by another tide, that of the Scotch Irish, coming by the foot of the mountains from Pennsylvania and Virginia.

[1] Hewatt's *Hist. of So. Ca.*, vol. II. 27; *The Formation of Judicial and Political Subdivisions in So. Ca.* by John P. Thomas, Jr.; Extracts from the *Transactions of the Fifth Annual Meeting of the So. Ca. Bar Ass.*, 1889. See Map Frontispiece.

The Proprietors, it will be recollected, in 1724–25, while still holding to their territorial proprietary rights, had promised Jean Pierre Purry a barony of 12,000 acres upon the condition that he would transport 300 people within one year from the date of the grant at his own charge, and another barony of 12,000 when there should be 1200 people settled by him in the province. Purry, who was a native of Neufchâtel, Switzerland,—formerly Director General in the service of the India Company in France,—had persuaded himself (1) that of all the climates of the world there must necessarily be one better than the rest, and (2) that the best climate should necessarily be on or about the thirty-third degree of latitude, because in that zone the degree of heat and temperature of the air is best adapted to evoke abundantly from the earth —and that without much labor and expense—every essential to life. In accordance with this theory it must necessarily follow, he held, that Carolina and New Mexico on the northern side, and Chili and Rio de la Plata on the southern, are as a whole the best countries in America, because they are situated on or about the thirty-third degree. Holding this view Purry had come to Carolina and persuaded himself that experience had demonstrated its correctness, and returning to England he had presented a memorial to the Proprietors, dwelling at length upon his theory and developing his scheme of colonizing the province with Protestants from Europe.[1] "Never perhaps," he said, "have circumstances been more favorable for enlisting excellent colonists from Switzerland. How many families are to-day in that country in debt through the misfortunes of the times and the stagnation of trade! How many young men are there who do not know what to

[1] *Memorial*, etc, by Jean Pierre Purry, privately printed, Charles C. Jones, Jr., 1880.

do or upon what matter to bestow their attention, and who have no means of support save the profession of arms! How many are there who refrain from marriage for fear of bringing more unhappy souls into the world, of whom there are already too many! This arises from the fact that the population of Switzerland is too dense, considering the sterility of its soil; that peace has obtained in Europe for the past twelve or thirteen years; that there is no longer any demand for cattle, and the peasant can no more find a market for his horses. It is not well that Switzerland should be as thickly populated as it is. Nearly eighteen hundred years agone the inhabitants of this nation *en masse* formed the resolution to burn their dwellings and go in search of another country, where they hoped to find habitations pleasanter and more spacious than those they possessed among these barren mountains."

In order to attract these people to Carolina, he thought, it was only necessary to distribute circulars in all directions assuring them of a truth that there is no region in France, in Spain, in Italy, or, in fine, in the whole of Europe which equals Carolina in attractiveness; that just as much land as they can possibly cultivate will be given to such as desire to establish themselves there, especially to those who are suffering persecution because of their religion; that all will be furnished with free passage across the sea in the King's ships; and finally that his Britannic Majesty will extend to them all the charitable aid which they could hope from the Royal bounty in order that they might enjoy happy lives and form prosperous settlements in the country.

Upon the surrender of the charter of the Proprietors, Purry renewed his negotiations with the Royal government, and, obtaining an assurance of the grant of land as promised by the Proprietors, issued the circulars he had

proposed. In 1731 he drew up at Charlestown a description of the province.[1] He states that in consequence of the Royal instructions he was permitted to choose on the borders of the river Savannah land proper to build the town of Purrysburg, and, having found such as he wished, the government had made him a grant thereof under the seal of the province dated the 1st of September, 1731, and at the same time had published throughout the whole country a prohibition to all persons to settle on the said land, which was called the Swiss Quarter. The Assembly, he said, had granted him £400 sterling and provisions sufficient for the maintenance of 300 persons for one year, provided they were all persons of good repute and Swiss Protestants, and that they came to Carolina within two years.

The Savannah River, he declared, was the finest in all Carolina, the water good and stored with excellent fish. It was about as large as the Rhine. The town of Purrysburg would be situated thirty miles from the sea and seven from the highest tide, upon a most delightful plain, which was formerly esteemed by the inhabitants of the province the best place in all Carolina. Then he went on to describe the excellences of the country, the fertility of the soil, and the ease of accumulating wealth. The most part of those who first came to Carolina, he said, were very poor and miserable. Several of those, he wrote, who were then most considerable went out as servants. His address contained some interesting, if over-colored, pictures.

"The Trade of Carolina," he said, "is now so considerable that of late years there has sail'd from thence Annually above 200 ships laden with merchandizes of the Growth of the country, besides 3 ships of war which they commonly have for the Security of the commerce

[1] Carroll's *Coll.*, vol. II, 121, 140.

and last Winter they had constantly 5 the least of which had above 100 Men on Board. It appears from the Custom-house Entries from *March* 1730 to *March* 1731 that there sail'd within that time from *Charles Town* 207 ships most of them for *England* which carried among other Goods 41957 Barrels of Rice About 500 Pounds Weight per Barrel: 10754 Barrels of Pitch 2963 of Tar and 1159 of Turpentine: of Deer Skins 300 casks containing 8 or 900 each: besides a vast quantity of Indian Corn, Pease, Beans &c.: Beef, Pork and other salted Flesh, Beams, Planks and Timber for Building most part of Cedar, Cypress, Sassafras, Oak, Walnut and Pine. . . . There were between 5 and 600 houses in Charles Town the most of which were very costly. . . . If you travel into the country you will see stately buildings, noble castles and infinite number of all sorts of cattle. If it be ask'd what has produced all this? The answer is '*Tis only the rich Land of Carolina.*"

Alas for the poor Swiss who accepted Purry's statements! his theories in regard to the advantages of the climate because of its degree of latitude turned out as illusory as the castles of which he wrote. The castles existed only in his imagination: unfortunately, the deadliness of the climate of the spot which he had chosen was a stern reality. Induced by his representations, 170 Switzers accompanied him in 1733 to the site which he had selected. These men were from the Protestant cantons of Switzerland, and were Presbyterians and Calvinists by profession. But like other foreign Protestants, says Dr. Howe, they desired to comply with the established religion of the country to which they emigrated, and their minister, the Rev. Joseph Büginon, who came with them, received Episcopal ordination from the Bishop of London. On November 16, 1734, another party of 260 came with their minister, the Rev. Henry Chiffele, who also received ordination from the hands of Dr. Gibson, Bishop of London. One hundred and odd more, says the *South Carolina Gazette*, are expected every day, and among them forty Protestants from the valleys of Piedmont. A subscrip-

tion had been made for them in England, to which the *Gazette* had learned that James Oglethorpe, Esq., had subscribed £40 sterling, and also the Duc de Montaigu, and several other persons of distinction. Colonel Purry, the *Gazette* adds, receives pay for his expenses and Mr. Chiffele his expenses out. Again, April 25, 1735, the *Gazette* says 200 Swiss arrived at Purrysburg. They received an allowance by the King out of his own purse of £1200. The Swiss emigrants began their labors with uncommon zeal, stimulated with the idea of possessing landed estates so far beyond the hopes of European peasantry in their own land. In 1735 Purrysburg contained nearly one hundred dwellings, and this perhaps, says Dr. Howe, was the season of its greatest prosperity.[1] Hewatt, the historian, thus tells their unhappy story.[2] On the one hand, the Governor and Council, happy in the acquisition of such a force, allotted each of them his separate tract of land and gave every encouragement in their power to the people. On the other, the poor Swiss emigrants began their labors with uncommon zeal and courage, highly elated with the idea of possessing landed estates, and big with the hopes of future success. In a short time, however, they felt the many inconveniences attending a change of climate. Several of them sickened and died, and others found all the hardships of the first state of colonization falling heavily upon them. They became discontented with the provisions allowed them, and complained to the government of the persons employed to distribute them; and to double their distress the period for receiving the bounty expired before they had made such progress in cultivation as to raise sufficient provisions for themselves and families. The spirit of murmur

[1] Howe's *Hist. Presb. Ch.*, 210, 211.

[2] Hewatt's *Hist. of So. Ca.*, vol. II, 26, 27.

crept into the poor Swiss settlement, and the people, finding themselves oppressed with indigence and distress, could consider their situation in no other light than a state of banishment, and not only blamed Purry for deceiving them, but also heartily repented leaving their native country.

Violent indeed, says another writer, was the change from the mountains of Switzerland to the swamps of the lower Savannah; and the malarial influences engendered by a hot sun smiting the marish ground upon which they fixed their new abode proved most disastrous to the health and comfort of the colonists. For several years did they contend manfully against penury and disease, while industriously endeavoring to convert the forests into cultivated fields. Many causes conspired to retard the progress of the settlement, and soon brought about its almost total abandonment. After a comparatively short and precarious existence Purrysburg became little more than a name — scarcely aught else than a frail monument of hope deferred and disappointment most severe.[1] Fortunately, as we shall presently see, all the Swiss did not follow Purry to the swamps of the Savannah.

The first settler in what is now Orangeburg County was a trader, Henry Sterling, who had located himself and obtained a grant on Lyons Creek in 1704.[2] Then followed three or four who located themselves at the Cowpens, northwesterly of the low-country white settlers. But it was not until 1735 that this portion of the province had any considerable number of whites. The arrival of the settlers who found their way thither is thus mentioned in the *South Carolina Gazette* of July 26th of that year. "On

[1] Charles C. Jones, Jr., *Memorial* by Jean Pierre Purry.

[2] Mills's *Statistics of So. Ca.*, 656; *German Settlements*, etc., in the Carolinas (Bernheim), 99, 100.

Sunday last arrived two hundred Palatines: most of them being poor they were obliged to sell themselves and their children for their passage (which is six pistoles[1] in gold per head) within a fortnight of the time of their arrival or else to pay one pistole more to be carried to Philadelphia. The most of them are farmers and some tradesmen. About two hundred and twenty of the Switzers that have paid all their passage are now going up the Edisto to settle a township there. The government defrays them on their journey, provides them provisions for one year, and gives them fifty acres a head. The quantity of corn bought for them has made the price rise from fifteen shillings, as it was last week, to twenty shillings."

The Germans — Palatines, as they are styled in the quotation from the *Gazette* — who thus worked their way were called Redemptioners, and from them have come some of our best citizens. Too poor to pay their passage money, they were sold by the captains of the vessels that brought them to America to any one who felt inclined to secure their labor. The price for which they were sold in Carolina was usually from £5 to £6 sterling; both men and women were thus alike sold to service, and then by hard labor, which extended over a period of from three to five years, they eventually redeemed themselves from this species of servitude.[2]

These German Redemptioners became the first settlers

[1] The pistole averages in value 16 shillings sterling. Curiously, this coin is not mentioned in Queen Anne's Proclamation fixing the values of coins. *Statutes*, vol. II, 709.

[2] *German Settlement*, etc., in the Carolinas (Bernheim), 131.

On the 7th December, 1734, there appears this notice in the *Gazette:* Just imported and to be sold by Hutchinson & Grimke, Irish servants, men and women, of good trades, from North of Ireland, Irish linen, household furniture, butter, tea, chinaware, and all sorts of dry goods on reasonable terms.

in Orangeburg township, which had been laid out in a parallelogram of fifteen miles by five on the North Edisto, and was called Orangeburg in honor of the Prince of Orange. Some portion of the settlers were, however, from Switzerland, from the cantons of Berne, Zurich, and the Grisons, and Dr. Howe accordingly supposes were Calvinists and Presbyterians in their views of church government. But this Dr. Benheim, the author of the *History of the German Settlements and of the Lutheran Church*, is not disposed to admit. He thinks that though nothing is mentioned in the record-book of the church concerning their distinctive religious belief, yet the presumptive evidence even from this source of information is sufficiently strong to conclude that the first religious society in Orangeburg was a Lutheran church. But whatever their religious preference, it was not sufficiently strong to prevent their accepting the advantages of the Established Church and uniting themselves to it. Their minister, John Ulrich Giessendanner, came with them, and the register of marriages, baptisms, and burials begun by him in the German language was continued by his nephew and successor, John Giessendanner,[1] down to the year 1760. John Ulrich Giessendanner died in the year 1738. His nephew John, says Dr. Howe, by the request of the congregation went to Charlestown for the purpose of "obtaining orders" from the Rev. Alexander Garden, the Bishop of London's commissary, but was persuaded by Major Christian Mote,[2]

[1] The nephew's full name was also John Ulrich Giessendanner, but he dropped the middle name probably to distinguish him from his uncle, and so he is named simply John Giessendanner in all accounts which have been left of him.

[2] This name must not be confounded, says Mr. Salley, with that from which Fort Motte was derived. This fort was named in honor of Colonel Isaac Motte, second in command at the battle of Fort Moultrie, 28th of June, 1776, and his heroic wife, Rebecca. *Hist. of Orangeburg County*, 24.

whom he met, that he ought not to apply to him but to other gentlemen to whom he would conduct him, who, if they found him qualified, would give him authority to preach, and that Major Mote introduced him to the Presbytery of South Carolina, who gave him authority to preach the gospel among his German neighbors. This he continued to do, and thus kept the church of their fathers unchanged for a season, though he afterward went to London and took Episcopal ordination.[1]

[1] Howe's *Hist. Presb. Ch.*, 217.

Orangeburg is to be congratulated upon the admirable history of that county recently published by Mr. A. S. Salley, Jr., from which we quote: —

"About 1730 Moses Thompson with his family and his connections, the Maxwells and Powells, moved into Amelia Township from Pennsylvania. Dr. Joseph Johnson, in his *Traditions of the Revolution*, says that the Thompsons were Irish people from Pennsylvania. A member of this family, William Thompson, married Eugenia, daughter of Capt Charles Russell, and John McCord, a member of another of the families early settled in this section, married her sister, Sophianista Russell. From these three early Orangeburg families, Russells, Thompsons, and McCords, descended many people who have become prominent in the history of South Carolina. Among these descendants we find the names Thomson, McCord, Heatly, Hart, Taber, Rhett, Haskell, Cheves, Davby, Sinkler, Goodwyn, Hayne, Michel, Stuart, and many others equally well known." *Hist. of Orangeburg*, 23, 24.

"Rev. J. U. Giessendanner and his nephew kept a record of the marriage, baptismal, and burial ceremonies performed by them, and from which we are able to learn where many of the settlers came from in the Old Country. From Switzerland came Peter Hugg (Canton Berne, 1735), Anna, wife of Peter Roth, Rev. John U. Giessendanner and his wife, John Giessendanner, Jr., Jacob Giessendanner, Hans Henry Felder (1735), Jacob Kuhnen and wife (1736), Ann, wife of Jacob Bossart, Melchoir Ott (1735), Anna Negeley, widow, Magdalena, wife of Hans Imdorff, Martin Kooner, Peter Moorer, Zibilla Wolf (Grisons), John Friday (1735), John Dietrick (1735), Barbara Fund, Henry Wurtzer (1735), Henry Horger, Jacob Stauber (Canton Zurich, 1750), Henry Haym, and John Myers. From Germany came John George Barr, David Runtgenaner, Lewis Linder, and Elias Snell (1735). From Holland came William Young. These are all whose places of nativity are given, but it is reasonable to presume that the many other settlers bearing the same

An Irish colony was induced by the advantages offered by the Royal government at the time to embark. On the 9th of November, 1732, James Pringle and other Irish Protestants petitioned the Council that their passage be paid. The Council agreed "that if they will settle in a Township according to his Majesty's instructions, as the Swiss had done, they shall have like encouragement." This proposition was accepted, and the township of Will-

family names as the above came from the same place. Besides the above, there are many more names on the Giessendanner record that are unmistakably German, among them the names, Stroman, Stoudennyer, Shaumlöffel, Geiger, Holman, Hessy, Kuhn, Yutsey (Utsey), Yssenhut (Whisenhunt), Kreyter (Crider), Huber, Shuler, Rumph, Zimmerman, Rickenbocker, Köhler (Culler), Hungerbüller (Hungerpiller), Wannamaker, Amaker, Keller, Inabinet, Zeigler, Leysaht, Golson, Joyner, Ferstner, Tilly, Harlzog, Whetstone (?), Balziger, Brunzon, Stehely (Staley), Starekey (Sturkie), and Theus, —names nearly all which obtain in this section to-day." *Hist. of Orangeburg* (Salley), 31, 32.

Among other families of German descent in Orangeburg are the Dantzlers, Keitts, Rumphs, Wannamakers, Kitchirs, Zorns, Gregelmans, Gallmans, Jubbs, Tehudy (Judy), Ernst, Hottow (Hutto), Eberhardt, Wolf (Wolfe). Of the early settlers William Barrie, Christopher Henry, and Samuel Rowes, Donald Govan, and Gavin Pon were of Scotland, Seth Hatcher was a native of Virginia. The Larry or Larey family, frequently mentioned, was Irish.

The German emigrants pressed up the Congaree, and many of them almost in a body settled in the Fork between Broad and Saluda rivers. Among these were the Summers, Mayers, Ruffs, Eiglebergers, Counts, Sligbs, Piesters, Grays, De Walts, Boozers, Buzzards, Shelays, Bedenbaughs, Cromers, Berleys, Hellers, Koons, Wingards, Subers, Folks, Dickerts, Cappelmans, Halfacres, Chapmans, Blacks, Kinards, Bonknights, Barrs, Harmons, Bowers, Kiblers, Gallmans, Levers, Hartmans, Fricks, Stoudemoyers, Dominicks, Singleys, Bulows, Paysingers, Wallerns, Staleys, Ridhhoovers, Lilbrands, Leapharts, Hopes, Houseals, Bernhards, Shulers, Haltiwangers, Swigarts, Meetzes, Shumperts, Frulmores, Livingstones, Schmitz, Eleazers, Drehrs, Loricks, Wises, Crotwells, Youngeners, Nunamakers, Souters, Eptings, and Huffmans. (O'Neall's *Annals of Newberry*, 22, 23.) Many of these names are still to be found in Orangeburg County and Lexington County, formerly Amelia Township and Saxe Gotha.

iamsburg, laid out the year before on the Black River, was assigned to this colony. This township was so named in honor of William III, Prince of Orange. It included an area of twenty miles square, and was granted to these Irish Presbyterians with the full guaranty of enjoyment of their own faith without intrusion. It never became a parish of the Church of England.

Notwithstanding the bounty of the Crown, these emigrants also suffered very severely, though not to so great an extent as the Swiss under Purry. Many of them died from the effects of the climate and the want of proper precautions. Debilitated in body and dejected in mind through want of proper food and by their heavy labor, numbers of them sickened and died in the woods. But as the township continued to receive accessions from the same people, the Irish settlement, amidst every hardship, increased in numbers, and having at length applied to the merchants for negroes upon credit, and being intrusted with a few, they were relieved from the severest part of their labor. Then by their great diligence and industry spots of land were gradually cleared, which began to yield them provisions, and in process of time became prosperous and fruitful estates.

Among those who then came out to this colony were the Witherspoon family, whose descendants are now found in almost every part of the State. Some of the family came over in the first emigration of 1732, but John, the ancestor of all now living, emigrated with his family in 1734. The family had migrated from Glasgow, Scotland, to the county of Down in Ireland in 1695, and thence came to Carolina.[1] A letter written by Robert, the son of John, like that written by Judith Maingault fifty years before,

[1] Accompanying John Witherspoon were his sons David, James, Robert, and Gavin, and his daughters Jennett, Elizabeth, and Mary, and

gives a touching account of the hardships encountered by the early settlers in the unbroken forests. After their long, tedious, and dangerous voyage across, they landed in Charlestown three weeks before Christmas. They found the inhabitants very kind, and stayed in the town until after Christmas, when they were put on board an open boat, a sloop, with tools and a year's provisions and one still mill. Each hand was allowed one axe, one broad and one narrow hoe. Their provisions were Indian corn, rice, wheaten flour, beef, pork, rum, and salt. As it was the dead of winter they were exposed to the inclemency of the weather day and night. They must have gone by sea to Georgetown harbor, for they went in the sloop up the Black River as far as Potatoe Ferry, which is just upon the line between the present counties of Williamsburg and Georgetown. There they turned on shore, where they lay in a barn, while the boat with the goods and provisions wrought her way up to "the King's Tree." In the Royal grants of land in Carolina the King reserved for his own use all the white pine trees and one-tenth of all the gold and silver mines. One of these trees grew nearly at the head of navigation of the Black River, the spot selected for the settlement, from which circumstances it was known as King's Tree, which name it still preserves as the county seat.

Mr. Witherspoon's letter gives a most interesting and pathetic account of the difficulties and trials of the new settlers in a strange land. He tells of the disappointment

their husbands John Fleming, William James, and David Wilson. The names of the other colonists, as far as they can now be ascertained, were James McClelland, William Sym, David Allan, William Wilson, Robert Wilson, James Bradley, William Frierson, John James, William Hamilton, Archibald Hamilton, Roger Gordon, John Porter, John Lemon, David Pressley, William Pressley, Archibald McRae, James Armstrong; others of the names of Ewin, Plowden, Stuart, and McDonald. *Hist. of Williamsburg Church.*

of his mother and the family when they came to the Bluff in expectation of finding an agreeable place, but finding nothing but a wilderness; and how their spirits sank when, instead of a fine-timbered house, they had nothing but a mean dirt house. How their father endeavored to comfort and encourage them. Then their fire gave out, and the trouble they had in getting more; the howling of wild beasts, the thunderstorm in midwinter, and their misery under it. Yet unlike the unfortunate Swiss at Purrysburg, the people continued strong and healthy, and diligently continued clearing and planting as long as the season would permit, and made provision for the ensuing year. Others, however, coming later, and travelling overland in the warm season, were much fatigued; many were taken with the fever and ague, and some died. He tells of his grandfather's death. How that in the fall of 1737 he "took the rose in his leg" (erysipelas), which occasioned a fever of which he died, and thus describes him. "He was a man of middle stature, of firm, healthy constitution, well acquainted with the scripture, and had volubility of expression in prayer. A zealous adherent of the reformed Protestant principles of the Church of Scotland, he had a great aversion against Episcopacy. And whoever reads the history of the times of his younger years in Scotland may see that these prejudices were not without cause, as it was his lot to be in a time of great distress to the poor persecuted church in the reign of James VII of Scotland (?) and II of England, as he was one of the sort that followed field meetings — some of his kindred and himself were much harassed by them. Yet notwithstanding if his younger days were attended with some trouble, he enjoyed great peace and tranquillity in his after life."[1]

[1] Howe's *Hist. Presb. Ch.*, 212, 215.

The inducements held out in connection with the laying out these townships led to a visit of some Welch from Pennsylvania in the latter part of 1735. They asked the government that an extensive tract of land might be appropriated for their sole benefit for a certain period, and accordingly a precept was directed to John Ouldfield, bearing date November, 1736, to admeasure and lay out for the Welch families that were to be imported a tract of land containing in the whole 173,850 acres in Craven County, 10,000 of which to be within the limits of Queensboro, which township had been laid out on the Great Pee Dee, a short distance above the mouth of the Little Pee Dee River.[1] The survey was made, the tract extending up the Pee Dee River, and was known as the "Welch Tract."

With such inducements to immigrate, the Welch were not slow in making their way to the province. In 1736 a company of them settled on Catfish stream — a stream in what is now Marion County. They remained there but a short time, and then removed higher up to that rich and compact body of land embraced in the bend of the river opposite to the village of Society Hill, and called from an early period the "Welch Neck." By the latter part of 1737 most of the families from Pennsylvania had arrived, and the infant colony began to assume an organized and permanent character. Under its leader, James James, Esq., were laid the foundations of future growth and prosperity. From these emigrants have descended many of the most distinguished men of the State.[2]

[1] Gregg's *Hist. of the "Old Cheraws,"* 47.

[2] *Ibid.*, chap. III.

In 1737, says Bishop Gregg, a respectable portion of the colony consisted of the following persons: James James and wife, Philip James and wife, Daniel Devonald and wife, Abel James and wife, Daniel James and wife, Thomas Evans and wife, John Jones and wife, Thomas Harry and wife, Daniel Harry and wife, John Harry and wife, Samuel Wild and

Though it somewhat anticipates the current of events, it may be as well to mention here another source of population of this part of the province. The battle of Culloden, in April, 1746, led to the removal of many families from Scotland to America, and inducements were held out to these to come to South Carolina. The "High Hills of Santee," as the rolling lands between Lynche's Creek and the Wateree, in what is now Sumter County, were called, were set aside for them; but these exiles were drawn by contrary winds into the Cape Fear, and thence a part of them crossed and settled higher up in what is now Darlington County, the rest taking up their abode in North Carolina. Of these are the families of McIver, McIntosh, McCall, Cusac, etc. The High Hills of Santee were granted to emigrants from Virginia, who about the same time came down into the province.[1]

In the first settlements in that part of the State, known as the Pee Dee section, various types of race and character

wife, Samuel Evans and wife, Griffith Jones and wife, David Jones and wife, Thomas Jones and wife. Other names, which appear at the same time, were Thomas James, Giffith John, William James, John Newberry, Evan Harry, Henry Oldacre, Hasker Newberry, William Eynon, James Roger, David James, Daniel Dousnal, Samuel Sarance (Sorrency and De Sorrency), as it was sometimes written, Evan Vaughn, William Tarell (or Terrell), Jacob Buckholt, Jeremiah Fickling, Richard Thompson, Joseph Jolly, John Jones, Richard Barrow, Thomas Walley, Sampson Thomas, Jacob Buckles, Peter Kisley, John Evans, Jeremiah Rowell, James Rowland, John Westfield, Thomas Elleby (Ellerby), Simon Parsons, John Carter, Job Edwards, Philip Douglass, William Carey, David Malahan, Thomas Moses, and Nicholas Rogers. Gregg's *Hist. of the "Old Cheraws,"* 52, 54, 56, 57. The Rev. Timothy Dargan, the ancestor of the distinguished family of that name, did not settle in this neighborhood until later. *Ibid.*, 440. Among the prominent and influential families, which were founded by these people, were the James, Evans, Rogers, Rogersons, Ellerbys, Pughs, Lides, Kollocks, Harringtons, Kolbs, Pegues, Pawleys, and Powells. The Greggs were from Scotland and settled there in 1752.

[1] Howe's *Hist. Presb. Ch.*, 262.

were represented. France, England, Wales, Ireland, Scotland, Germany, and the northern provinces of America, whose inhabitants had been chiefly drawn from the same sources, all contributed in a measure; the Welch element predominating in the central locality was destined, however, to give character to the communities around it.[1]

From time to time the existing parishes were subdivided, and the townships as they were settled became parishes. In 1721 the settlement at Winyaw, which had been attached, as we have seen, to St. James's, Santee, was declared to be a distinct parish by itself, to be called Prince George in honor of the then Prince of Wales, afterward George II.[2] In 1734 John's Island, Wadmalaw Island, and Edisto Island were taken from St. Paul's, Colleton, and declared to be a parish, to be called St. John's Parish in Colleton County; and Prince George, Winyaw, was again subdivided, the new parish to be called Prince Frederick.[3] In 1746 St. Helena was subdivided, and the new parish was named Prince William,[4] then the township of Purrysburg, in 1746, was set up as St. Peter's Parish,[5] and Charlestown was divided into two parishes in 1751, the new parish to be called St. Michael's.[6] In 1754 St. James's was divided, and the new parish was called St. Stephens's;[7] and in 1757 another parish was laid out in Craven County, to be called St. Mark's.[8] In 1767 a new parish was laid out in Granville County, to be called "St. Luke's," and another in Craven, to be called "All Saint's,"[9] and the next year St. Matthew's was erected from Orangeburg and Amelia townships.[10] In 1768 the Welch settlement was made into a parish called St. David's, in honor of the patron saint of Wales,[11] and

[1] *South Carolina's Resources*, etc., 611. [3] *Ibid.*, 374. [5] *Ibid.*, 668.
[2] *Statutes of So. Ca.*, vol. III, 171. [4] *Ibid.*, 658. [6] *Ibid.*, 753.
[7] *Ibid.*, vol. IV, 8. [8] *Ibid.*, 36. [9] *Ibid.*, 266. [10] *Ibid.*, 298. [11] *Ibid.*, 300.

ten years later part of Orangeburg was cut off and made the parish of Orange.[1] The low and middle country was thus all divided into parishes, from which members of the House of Commons were elected as apportioned by the various acts established therein.

For military purposes the province appears to have been divided for some time anterior to the Revolution into seven militia districts, — Charlestown, Beaufort, Georgetown, Orangeburg, Cheraws, Camden, and Ninety-six, — but no statute doing so can be found. The parts of the province included in the three last districts, with the exception of St. David's in the Cheraws, not having been organized into parishes, the territory embraced was generally known and distinguished by the names of the "Camden District," "Old Cheraws," and "Ninety-six."[2]

It was about this time that the third town in the province, Georgetown, began to be settled. There has been some difference of opinion as to the time of the beginning of this town. Mills states that the town was laid out by the Rev. William Screven, who died in 1713,[3] and he has been followed in this statement by others.[4] But the town was not laid out until shortly before 1734. The land for the site of the town, 274 acres, was by deeds of lease and release, dated 14th and 15th of January, 1734, conveyed by the Rev. Elisha Screven, son of the Rev. William Screven, to George Pawley, William Swinton, and Daniel La Roche, in trust for the purpose of laying out a town according to a plan attached to the deeds. The deeds are still on record.[5]

[1] *Statutes of So. Ca.*, vol. IV, 408.

[2] See Map Appendix to *Formation of Judicial Subdivision in So. Ca.* by John P. Thomas, Jr.; Extracts from the *Transactions of the Fifth Annual Meeting of the So. Ca. Bar Ass.*, 1889; Frontispiece to this volume.

[3] Mills's *Statistics*, 556.

[4] *Am. Hist. Review*, vol. III, No. 3, 549 (Whitney).

[5] *Miscellaneous Records*, 1751–54, Probate Office, Charleston.

There was some dispute as to the title to this land and other tracts, the heirs of John Perry, formerly of Barbadoes, claiming under a grant prior to that to the Rev. William Screven; but this was settled by a division, in the deeds for which, executed in 1737, it is stipulated that the provisions should not extend or comprehend any part of the lands "included within the limits and bounds of either the town or commons of Georgetown in the parish of Prince George, Winyaw, &ct as the said town and commons were heretofore laid out and granted by the said Elisha Screven to George Pawley, William Swinton, and Daniel La Roche by certain deeds of lease and release bearing date respectively the fourteenth and fifteenth days of January, one thousand seven hundred and thirty-four."[1] It is probable, however, that Elisha Screven had laid out the town and given it the name of Georgetown some time before the actual execution of his deed to the trustees; for by an act of June 7, 1733, the year before, a road is laid out to Mr. Robert Screven's plantation "*opposite Georgetown.*"[2] But this had not been done in August, 1731, for by an act of the 20th of that month a ferry is established "from the bluff of *Mr. Elisha Screven's plantation* to the marsh point of the plantation of Capt. Robert Screven."[3] The land opposite Captain Robert Screven's plantation was the site of the town. The town was projected, we may conclude therefore, some time between 1731 and 1734; but the land was not granted for the purpose until 1734. The next year, 1735, George Pawley, William Swinton, Daniel La Roche, and two others were appointed Harbor Commissioners to lay out buoys, erect beacons, and regulate pilotage.[4]

Several families which were to become famous, and

[1] Deeds recorded in Office of Register of Mesne Conveyances, Charleston, Book G, 262, 275.

[2] *Statutes of So. Ca.*, vol. III, 362.

[3] *Ibid.*, vol. IX, 69, 70.

[4] *Ibid.*, vol. III, 406.

whose names are woven into the history of the province and State of South Carolina, make their appearance coteniporaneously with the establishment of the Royal government.

Dr. John Moultrie, descended from an ancient Scottish family possessed of landed estates known as Roscobie, between Lochlevin and Dumferline, was educated at Edinburgh and emigrated to Charlestown about 1728. The emigrant was the ancestor of the Moultrie family, and the father of four sons: Dr. John Moultrie, who in the Revolution adhered to his King's cause, and became Lieutenant Governor of Florida; General William Moultrie, the hero of the battle of the 28th of June, 1776; Captain Thomas Moultrie, who was killed at the siege of Charlestown in 1780; and Alexander Moultrie, who was Attorney General under the Constitution of 1776.[1]

Andrew Rutledge, the founder of the distinguished family of Rutledges in South Carolina, came to the province from Ireland in 1730, and establishing himself here he sent for his brother John, who came out in 1735. Andrew Rutledge was a lawyer, and rose to distinction, becoming Attorney General of the province and Speaker of the Commons. He married a widow, Mrs. Hext, but died in 1755 without leaving issue. His brother John was a physician, and married Miss Hext, the daughter of his brother's wife. From this union came five sons, three of whom, John, Hugh, and Edward, became famous in the history of the State. The fourth son, Andrew, was a merchant, who died in 1772 without issue. The fifth, Thomas, also attained some position in the colony, becoming an officer during the Revolution, but he too died without issue.

[1] Address of Gen. Wilmot G. De Saussure, President Cincinnati Society, 1885.

The founder of the De Saussure family was Antoine de Saussure, who lived in the sixteenth century in Lorraine. The family name is derived from the borough of Saussure, formerly in their possession. The father of Antoine was Mongin de Saussure, Lord of Dommartin and Monteuil, Counsellor of State and Grand Falconer under the Duke of Lorraine. Anthony embraced the reformed religion and abandoned Lorraine in 1551. He was one of the chief instruments in the establishment of Protestantism in Metz, Strasburg, and Neufchâtel, where he successively resided. He lived for some time in Geneva, where he was on intimate terms with Calvin. Jean Louis de Saussure performed gallant service in 1712 in the battles of Bremgarten and Wilmergen, and the State of Berne erected his estate into a barony and conferred on him the title of *noble and generous*. Henry de Saussure of Lausanne in France, no doubt led here by the representations of Purry, emigrated to Carolina in 1731, and settled near Coosawhatchie, where he lived and died and his monument is still found. Daniel de Saussure was born at Pocotoligo and removed to the town of Beaufort in 1767, where he conducted the largest commercial establishment in the province out of Charlestown. He bore arms at the siege of Charlestown, and was one of the exiles sent to St. Augustine by the British authorities upon the fall of the town. Two brothers fell during the struggle. Upon the exchange of prisoners Daniel de Saussure was sent from St. Augustine to Philadelphia, where he received an appointment in the Bank of Robert Morris. He was afterward President of the Bank of the United States in Charleston until his death. His eldest son, the Hon. Henry William de Saussure, was the distinguished Chancellor, and is said to have been the father of equity in South Carolina.[1]

[1] Howe's *Hist. Presb. Ch.*, 400, 401.

CHAPTER IX

1732–34

The commercial importance of the colony now greatly increased. The merchants of London, Bristol, and Liverpool turned their eyes to Carolina as a new and promising place of trade, and established houses in Charlestown for conducting their business with the planters. They poured in slaves for cultivating their lands, manufactures for supplying their plantations, and furnished them with both on credit at a cheap rate. The number of vessels which had entered the port in 1724 was 134; in 1735 the number was 248. The number of negroes imported in 1724 was 439; in 1735 it was 2907; and during the ten years between those dates the number imported amounted to 17,665. The number of barrels of rice exported in 1724 was 17,734. In the year from the 1st of November, 1735, to the 1st of November, 1736, it was 52,349 barrels and 1554 bags, of which about one-fifth, 11,014 barrels and 1208 bags, were shipped to the newly opened ports southward of Cape Finisterre, in twenty-three vessels.[1] With the increased force the lands were cleared and cultivated with greater facility, and rose in value. Men of foresight and judgment began to look about and secure rich lands for themselves. Until this time small progress had been made in cultivation except in the rice fields in the inland swamps. The colonists, says Ramsay, were slovenly farmers, owing to the vast quantities and the ease and

[1] Appendix to *Report of Committee on the State of the Paper Currency*, 1737. Tables, pp. 9–10.

cheap terms of obtaining lands. They had an abundance of the necessaries and some of the conveniences of life; but their habitations were generally small wooden buildings hastily and roughly built. Charlestown at this time consisted of between five hundred and six hundred houses, mostly built of timber, neither comfortable nor well constructed. From this time great improvement was made in building as well as in other respects. Artificers and tradesmen of different kinds found encouragement in it and introduced a taste for brick buildings and better houses. The whole face of the country began to exhibit the appearance of industry and plenty.[1]

The printing press and newspaper were contemporaneous with the Royal government in South Carolina. The want of a printing press had been particularly felt, when, in 1712, the Assembly desired to have the codification of the laws by Chief Justice Trott printed, and were obliged to order the work transmitted either to London, Boston, or New York for the purpose.[2] The work had not, however, been sent at the time, owing, no doubt, to the low state of the public treasury and the troubles of the Indian war that followed. Then the subject had become involved with Trott's unpopularity, and the work was treated as if its publication was a personal matter relating only to him, in which the public had no interest, and was apparently abandoned. "To procure by the first opportunity a Printer with his tools to be sent to this Province" was, however,

[1] Ramsay's *Hist. of So. Ca.*, vol. I. 104, 107.

[2] *Hist. of S. Ca. under Prop. Govt.* (McCrady's), 522. The first printing press in America was that erected in Massachusetts nearly a hundred years before, *i.e.* 1638 (or 1639?). Presses were established in the other colonies as follows: Pennsylvania, 1687, New York, 1696, Connecticut, 1709, Maryland, 1726, Virginia, 1729, *South Carolina, 1730*, Rhode Island, 1732, New Jersey, 1732, North Carolina, 1755, New Hampshire, 1756, Georgia, 1762. Thomas's *Hist. of Printing*, vol. I. 148, 150, 221.

one of the subjects of instruction to Francis Yonge when he was sent as the colony's agent to England in 1722. He was charged to find some sober, able person who should be a printer and bookbinder, who would come over to the province and bring with him a plain, handsome set of letters, with a press, tools, paper, and other necessaries. If the printer required any money to be advanced in order to buy himself what was necessary and for transporting himself, Mr. Yonge was authorized to advance him a sum not exceeding £1000 currency, to be repaid by the printer by printing all such papers as might be required of him until he worked out the debt; the printer was to be allowed twenty-five per cent advance upon the usual price given in Great Britain for such work as he might be given here, and he was to have all the business of the public. Mr. Yonge did not succeed in obtaining a printer, and in January, 1723–24, the Assembly instructed Colonel Parris, the public Treasurer, to lay out £1000 in rice, to be shipped to Mr. Wragg, then living as a merchant in London, whose assistance was asked for Mr. Yonge in obtaining, with the money for the rice to be consigned to Mr. Wragg, the much-desired printer with his "plain, handsome set of letters." Mr. Wragg was not more successful, and no wonder, for in June in the same year Governor Nicholson, who, however zealous in regard to education, about the matter of printing, it seems, was not unlike Sir William Berkeley, the former Governor of Virginia and Proprietor of the province, who, it will be remembered, thanked God that in his time there were no free schools nor printing in his territory, said to the Assembly: "I suppose by the account of Mr. Yonge sent you it may be seen how very chargeable it is to have a printer to come hither, and if any should I can't suffer him to exercise his trade without his giving very good security not to print anything without

license. And I can't give him any for printing the body of the laws (those compiled by Trott) till his Majesty's will and pleasure be known therein, so that in my opinion the money appropriated for a printer may be disposed of for the good of his Majesty's Province."[1] Mr. Middleton, while administering the government, was not more liberal. He writes to Governor Nicholson, then in England, May 4, 1727, that he will never give in to "Mr. Trott's unreasonable proposal to print our laws."[2] Fortunately, more enlightened views were taken of the matter upon the establishment of the permanent Royal government, as we see by a message sent by the Council to the Lower House on the 21st of May, 1730, informing that body "that His Majesty, out of his great goodness to this Province, will be pleased to print our laws at his own charge, and send over as many copies as may be necessary," and recommending that a copy might be provided of such laws as were necessary to be printed, and sent to Great Britain as soon as possible.[3] Instead of this, however, a printer came to Charlestown, sent, probably, by his Majesty's government. Eleazar Phillips, a native of Boston, the son of Eleazar Phillips, a bookseller and binder who lived at Charlestown, near Boston, arrived in Carolina, opened a printing house, in 1730, in the town, and executed the printing of the colony. His career was but brief. He died among the first cases of the fatal epidemic of yellow fever in 1731. That he had come out at the instance of the Royal government is rendered probable by the inscription on his tomb, which is, "He was the first Printer to his Majesty."[4]

[1] *Commons Journal; Introduction of Printing in So. Ca.;* Russell's *Magazine*, vol. I, 512 (Professor W. J. Rivers).

[2] *Coll. Hist. Soc. of So. Ca.*, vol. I, 243.

[3] *Council Journals; The Newspaper Press of Charleston* (King), 10.

[4] Thomas's *Hist. of Printing*, vol. II, 154.

The first newspaper published in South Carolina made its appearance in Charlestown January 8, 1731–32.[1] It bears the title of *The South Carolina Gazette*, "containing the freshest Advices Foreign and Domestick." It was published on Saturdays through that year and until September 8, 1733, when its discontinuance was caused by the death of the publisher. He, too, died of yellow fever. The publication was resumed on the 2d of February, 1733–34, by Lewis Timothy, and continued by him until his death in 1738. It was then continued by his widow with the aid of her son, Peter Timothy, for a short time. Lewis Timothy was a French refugee to Holland, and thence came to Charlestown. He first signed his name Louis Timothée, but from April 6, 1734, anglicized it to Lewis Timothy.

The history of this paper is remarkable; its influence during the whole of the Royal government, and especially during the excitement over the Stamp act and non-importation agreement, the Wilkes fund, and then in the movement which led to the Revolution, was great. Peter Timothy was a man of great force, and his paper was always on the side of freedom and liberty. He was a violent Whig and a correspondent of John Adams. He carried on the publication of the *Gazette* continuously as publisher or proprietor until 1775. It was suspended then until 1777, when it was again published by him, until the fall of Charlestown in 1780, under the modified title of *The*

[1] There had been nine newspapers published in the colonies before the publication of the *So. Ca. Gazette*, to wit: the *Boston News Letter*, 1704, the *Boston Gazette*, 1719, the *American Weekly Mercury*, of Philadelphia, 1719, the *New England Courant*, Boston, 1721, the *New York Gazette*, 1725, the *New England Weekly Journal*, Boston, 1727, the *Maryland Gazette*, 1727, the *Universal Instructor*, etc., & *Pennsylvania Gazette*, 1728, the *Weekly Rehearsal*, Boston, 1731. Thomas's *Hist. of Printing*, vol. II, 191–366.

Gazette of the State of South Carolina. Upon the restoration of the city, Peter Timothy having been lost at sea on his way from Philadelphia where he had been sent as a prisoner of war, his widow revived the paper and published it until 1792, when it was carried on by his son Benjamin Franklin Timothy, by himself first and then with a partner until 1800. Peter Timothy Marchant, great grandson of Lewis Timothy and grandson of Peter, was one of the members of the house of Marchant, Willington & Co., publishers of the *Charleston Courier* founded in 1802,[1] of which the present ably edited *News and Courier* of Charleston is the successor. This last journal can therefore trace back its editorial lineage pretty clearly to *The South Carolina Gazette* founded by Thomas Whitemarsh, in January, 1732.

His Excellency Governor Johnson was specially instructed by his Majesty to put a stop to the system of large grants of land, and to deny grants to any but those who proposed to settle and improve the lands themselves. The great increase in the value of land, owing to the number of negroes imported, and the success in rice planting, led to speculation and the efforts to secure grants of land for the purpose. This gave rise to a most interesting question involving a struggle between the Governor's Council and Commons on the one side, and the Chief Justice of the colony and the lawyers on the other.

It is difficult for one born and bred anywhere in British dominions or in this country to realize that the principles

[1] Thomas's *Hist. of Printing*, vol. II, 366, 371. The files of these papers, and of all others published in Charleston, with but few and unimportant breaks, are to be found in the Charleston Library, thus presenting a complete journalistic history of the province and State for one hundred and sixty-six years.

of liberty which he now enjoys are not axiomatic in their very nature, and as common as the air he breathes. So true is this that we are, indeed, in many instances unconscious almost of their existence, until in some way they are rudely questioned. And yet the history of the English people is but the record of the struggles through which these principles have been evolved and established in pain and travail — and in many cases almost unconsciously. We think and speak of Magna Carta as the great chart, and the patent of our rights and liberties, as if these all originated and flowed from that celebrated instrument. But great as it was, Magna Carta was but a recognition and admission — forced, it is true, from King John — of the results up to that time of the ceaseless movements of the forces in the development of freedom. The great underlying principles which had been at work from the time of the Conquest were then recognized; but their development and application to the different functions of government were yet to be made. The separation and limitation of the powers of the legislative, executive, and judicial departments, the essential feature of Anglo-Saxon government, was not a matter which owes its existence to the nature of things, but was one of slow and gradual development and growth. Thus the application of the *Habeas Corpus* act was met with vigorous resistance by each of the two Houses of Parliament, when arrests and commitments by either of them for what cause soever were questioned by the judiciary. A great controversy now took place in South Carolina upon this subject.

On the 2d of February, 1732, Governor Johnson and his Council issued a proclamation,[1] reciting his Majesty's instruction that to prevent the inconveniences of granting

[1] *So. Ca. Gazette*, February 3, 1732–33.

excessive quantities of land to people not likely to cultivate and improve them, his Excellency was especially charged to take particular care that no grants be made to any person, but in proportion to his ability to cultivate the land granted, by which the Council considered that it was clear his Majesty had left the Governor and Council to judge whether the grantees were able or intended to cultivate the land for which they applied. Acting upon this the Governor and Council held that it was manifest that any one who had contracted to sell the land for which he made application, had no intention himself to settle and cultivate it, and therefore gave public notice that no grants should be given for any land not yet recorded in the Secretary's office, but to such person as should first come and make oath before the Council that the land was asked for actually and *bona fide* for his own use, without any design or present view of selling or disposing of it. It will be remembered that one of the last acts of the Proprietors — an act which had much to do with the overthrow of their government — was the appropriation to their own use of the territory the colonists had recovered from the Yamassees.[1] However unjust and impolitic this course had been, the Proprietors' legal right to these lands was just as good as that to any other part of the territory covered by their grant under the charter, which was unquestioned. Acting upon their undoubted rights they had before their surrender granted large tracts, baronies and manors, to their favorites and others. One of the first measures of Governor Johnson's administration had been the Quit-rent act, as it was called, one of the provisions of which required that all persons who held or claimed lands by virtue of patent or grant from the Lords Proprietors or their Governors should within eighteen months

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 555, 642.

after the act register their grants or memorials of them, and lands not so registered were declared to be vacant and open to any person who might apply for them as required. This act was passed the 20th of August, 1731.[1] Before the expiration of the prescribed period the case occurred which gave rise to the struggle between the Commons' House and the Chief Justice and the lawyers.

Hewatt's account of this controversy is that the old planters, now acquiring every year greater strength by the large importation of negroes and extensive credit from England, began to turn their attention more closely than ever to the lands of the province; that a spirit of emulation broke out among them for securing tracts of the richest soil, especially such as were most conveniently situated for navigation; that complaints were made to the Assembly that all lands on navigable rivers and creeks adjacent to Port Royal had been run out in exorbitant tracts under color of patents granted by the Proprietors to Caciques and Landgraves by which the complainants, who had at the hazard of their lives defended the country, were hindered from obtaining such lands as could be useful and beneficial at the established quit-rents, though the Attorney and Solicitor General of England had declared such patents void. He sees nothing in the controversy which arose but an unscrupulous effort on the part of the planters to obtain improper grants of land; he intimates no doubt as to the right or propriety of the action of the Commons, however arbitrary, in resisting this attempt.[2] But the case was a very different one.

The issue arose in this way: Some thirty-nine inhabitants of Granville County presented a petition against Job

[1] *Statutes of So. Ca.*, vol. III, 290, 292.

[2] Hewatt's, *Hist. of So. Ca.*, vol. II, 28.

Rothmaller, charging him with having run out lands illegally. The Commons' House of Assembly looked into the matter, and without giving the parties a hearing at once ordered Rothmaller and Dr. Thomas Cooper, a deputy surveyor who had surveyed the lands for Rothmaller, into the custody of the messenger.[1] Upon their arrest, Dr. Cooper at once sued out a writ of *habeas corpus* for his own liberation, and brought an action for damages against John Brown, the messenger of the House. Mr. Vaughn, a member of the bar, represented Dr. Cooper in the *habeas corpus* proceedings; Mr. Graeme apparently represented him in the suit for damages. The Chief Justice, Robert Wright, granted the writ of *habeas corpus* without hesitation, and a writ bearing his signature was issued out of the clerk's office in the damage suit. At this the Commons took great offence and ordered Mr. Vaughn, and Mr. Graeme likewise, into custody of the messenger. On the 7th of April, 1733, the House passed a series of resolutions, in which they declared that it was the undeniable privilege of the Commons' House of Assembly to commit into the custody of their messenger any such persons as they might judge to deserve to be so committed; that the freedom of speech and debate or proceedings of the House ought not to be impeached or questioned in any court or place out of this House; that it was a great contempt and violation of the privileges of the House for any one whatever to impeach or call in question any commitments of the Commons' House of Assembly; and that no writ of *habeas corpus* has been or ought to be granted in favor of any persons committed by this House during the sitting of the same; that any proceedings by writ of *habeas corpus*, or in any other manner but in this Assembly, were an express contradiction

[1] The officer of the House then known as the messenger is the same as the sergeant-at-arms of the present legislative bodies in this country.

of the Declaration of Rights (1 Will. and Mary, chap. II) which says: that the freedom of speech and debate or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament; that no person committed by the House for breach of privilege or contempt of the House ought to be by any writ of *habeas corpus* made to appear in any other place or before any other judicature during that session of Assembly wherein such person was committed; that the messenger of the House do make no return or yield any obedience to the writ of *habeas corpus*, and for such his refusal he should have the protection of the House; that the Chief Justice should be made acquainted with these resolutions, to the end that the writ might be suspended as contrary to the law and the privilege of the House.

Upon this action by the House the persons arrested applied for relief by petition to the Governor and Council, of which body the Chief Justice was a member.[1] But, notwithstanding the Chief Justice's presence, the petition obtained no relief from that quarter. It will be recollected that when the Commons had in 1722 committed the merchants for memorializing them against the bill in regard to the currency, the Council had even then declined to interfere, though in sympathy with the merchants against the reissue of the bill upon which the Commons were determined. They now came zealously to the assistance of the Commons in their arbitrary measures. So able and moderate a man as Francis Yonge made a most carefully prepared speech sustaining the action of the House. This

[1] At this council there were present his Excellency Governor Robert Johnson, the Hon. William Bull, Alexander Skene, Francis Yonge, James Kinloch, John Fenwicke, Thomas Waring, Robert Wright, Chief Justice, John Hammerton. Proceedings published in *So. Ca. Gazette* for April 21–28, 1733.

speech he began, of course, in accordance with the custom of the times, with adulatory allusion to the mild and just government under which it was the fortune of the inhabitants of the province to live. Then, warming to his subject: —

"Liberty," he exclaimed, "is now become the grand theme! And who shall speak against so great a blessing? But therefore let such as want it consider well whether they have not done anything to forfeit it, for if they have, themselves are the authors of their own unhappiness, and whether they are so I must leave to you to determine; but I shall take leave to state the affair first with relation to the things done by Dr. Cooper, Mr. Graeme, and Mr. Vaughn, now under confinement by the Commons' House of Assembly, and for which they are so confined. And then I shall examine a little into the power of the House with relation thereto, and quote some passages out of such authors and books as I have now occasionally perused, the better to inform myself whether such commitments are cognizable in the Inferior Courts, or if persons so confined are within the intention of the *habeas corpus* act.

"And first I find Dr. Cooper, the Deputy Surveyor, laying out lands contrary to law, and the Governor's warrant, which tends to the creating litigious dispute, and involving the country in the utmost confusion.

"Mr. Graeme's conduct is for that he, as attorney, did fill up and sign a *capias ad respondendum* against John Brown, messenger of the House, directed to the Provost Marshal at the suit of Thomas Cooper, Esq., &c.

"That Mr. Rowland Vaughn is for an open and notorious affront and contempt offered the House by serving a writ of *habeas corpus* on John Brown, messenger, when he was actually in the execution of his office in the business of the House, with his Rod in his hand.

"Far be it from me," he declared, "to undertake to tell what are the Commons' Privileges, but it is presumed they are the same as the House of Commons of Great Britain, since his Majesty has been pleased (altho' negatively) to allow it by saying they shall have no more than that the House enjoys. And he has been pleased to direct positively that they and their servants shall be privileged and free from arrest during their session. This then being granted, let us see whether these gentlemen have exceeded their bounds and done

more than the Commons of England, or more than former assemblies have done in this province."

Mr. Yonge then quoted several cases from Eckhard's *History of England* in which he claimed that the Commons in England had asserted and exercised their right of commitment and resisted its abridgment. He quoted also the famous case of the *Aylesbury men*, in which a corrupt return by the Bailiff of Westminster, during the struggle between the Tory House of Commons and the Whig House of Lords upon the accession of Queen Anne, 1704, having been received by a party vote, the defeated Whig candidate, who had a considerable majority of legal votes, brought action in the Court of Queen's Bench against the returning officer, and recovered large damages; whereupon the court, on a motion in arrest of judgment, had held that no such action could be maintained, as it was a matter involving the privileges of the Commons, and had set aside the judgment, thus sustaining the extreme and exclusive power of that body. Mr. Yonge did not, however, comment upon, or even allude to, the vigorous resistance to that monstrous doctrine of parliamentary power, which, as Lord Campbell says, has rendered the name of Chief Justice Lord Holt so illustrious.[1] The case of the *Aylesbury men* was a very different one from that about which Mr. Yonge was speaking. That case went off upon the point of an invasion of the privileges of the Commons, because the returning officer had been sued for making a false return, which return the Commons had accepted and adjudged to have been correct. But there was no question of privilege in the initiation of this case. Mr. Rothmaller and Dr. Cooper

[1] Campbell's *Lives of the Lord Chief Justices*, vol. II, 127. *Ashby* v. *White*, 2 Lord Raymond, 1116; *Domina Regina* v. *Paley et al.*, 2 Salkeld, 503.

had in no way meddled with the privileges of the Commons. If guilty of anything it was in having violated the Governor's instruction and the Quit-rent act; and whether they were or were not guilty of so doing was a judicial question for the courts — not for legislative action. In the language of Holt in *Ashby* v. *White:*[1] —

"The declarations of the House of Commons will not make that a breach of privilege which was none before. The privileges of the House of Commons are well known, and are founded upon the law of the land, and are nothing but the law — we all know that the members of the House of Commons have no protection from any arrest in case of treason, felony, or breaches of the peace, and if they declare that they have privileges which they have no legal claim to, the people of England will not be estopped by that declaration. This privilege of theirs concerns the liberty of the people in a high degree, by subjecting them to imprisonment for that which heretofore has been lawful, and which cannot be made unlawful without an act of parliament."

Mr. Yonge also referred to the proceedings of the House, in 1722, during Sir Francis Nicholson's administration, when that body committed the merchants for petitioning against the currency bill, quoted them at length, and made the most of them as precedent.

The Chief Justice, having a seat in the Council, was present at the discussion and thus vigorously replied to Mr. Yonge: —

"I am under the greatest concern imaginable," he said, "that there should be any dispute or animosities amongst us in the province, and more especially, since we have the happiness to be under the immediate protection and government of his Majesty, that we should spurn at his authority.

"Far be it from me to dispute the known privileges of the Lower House of Assembly. I acknowledge they may have many undoubted ones, and those have been duly and justly granted to them by your Excellency.

[1] Campbell's *Lives of the Lord Chief Justices*, vol. II, 131.

"But these Resolutions (those of the House) are of a most extraordinary nature, tending to the subversion of all government by disallowing his Majesty's undoubted prerogative, removing all obedience to his writ of *habeas corpus*, and assuming to themselves power to abrogate and make void the known laws of the land by arbitrarily imprisoning their fellow subjects.

"They proceed still further, and in a most daring and contemptuous manner publish the same by affixing them to the door of the Council Chamber, requiring the Chief Justice to observe them as laws, and to suspend his Majesty's writ of *habeas corpus* by him legally granted.

"This being so bold an attack upon his Majesty's authority and the laws of the land, I conceive that it can't take much time for your Excellency and this Board to consider what ought to be done in so weighty an affair; for my part, I must declare that these Resolves are no laws and, therefore, shall little regard them, being sworn to the contrary, and to the due observance of the laws of the land, and to maintain and support his Majesty's prerogative so attacked by these Resolves.

"These unwarranted Resolves are of the utmost ill consequence to the province, as they strike at his Majesty's prerogative, the liberty of the subject, and the fundamental laws of the land, and should I descend to or countenance them so far as to act in concert with those who made and published them, I should break my oath, betray my trust and the liberties of the people in a most shameful and dishonest manner, and thereby become guilty of *premunire*, if not a crime of a higher nature.[1]

"I shall, therefore, with great calmness, beg leave to offer my best advice in this important affair, which is that your Excellency and this Honorable Board would put a stop to these arbitrary, violent, and illegal proceedings by a dissolution of this Assembly, or by such means as your Excellency and the Council shall think proper, on which the liberties of the people, and the peace and welfare of the province so much depend."[2]

[1] Præmunire or premunire, an offence of a nature highly criminal, though not capital, and more immediately affecting the King or his government. It is named from the words of the writ preparatory to the prosecution therefor, *præmunire facias*, A. B., etc. Jacob's *Law Dic.*

[2] As a rule, all commitments of either House of Parliament *ipso facto* expired with the House by which made. A dissolution by the Governor,

Upon this debate the Council resolved (1) that it was not for his Majesty's service or the interest of the province either to prorogue or dissolve the present Assembly; (2) that it was the opinion of the Council that his Majesty did allow (by his instructions to the Governor) the Commons' House of Assembly the same privileges as the House of Commons enjoyed in England; (3) that the Commons' House of Assembly had a right to commit persons for breach of privilege and notorious grievances that might affect the people of the province, and have always practised and enjoyed the same; that in cases of contempt or breach of privileges of any inferior court, much more of the Court of Parliament, no writ of *habeas corpus* will be or ought to be granted. Then upon reading and considering the charges upon which Dr. Cooper, Mr. Graeme, and Mr. Vaughn were committed they resolved (1) that the House had done no more in committing them than the House of Commons of England had frequently done in like cases; (2) that it was the opinion of the Council that the resolutions of the Commons' House of Assembly published in the *Gazette* did not in any way strike at his Majesty's prerogative or the liberties of the people as was supposed in the Chief Justice's speech.

The Council ordered the speech made by Mr. Yonge published in the next *Gazette*, and the Chief Justice published his in the same issue of that paper — 21st of April, 1733. The Commons' House took further offence at the publication of the Chief Justice's speech and addressed his Excellency the Governor and Council protesting against it. For his invasion of their privileges, they said, they would have punished the Chief Justice suitable to his offence but that he was a member of his Majesty's Council

therefore, would release all parties committed by the House. May's *Law and Practice of Parliament*, 95.

and therefore under its protection. Having according to their duty represented to his Excellency and their Honors the mischievous behavior of the Chief Justice, which in their opinion was calculated to hurt his Majesty's interests, they doubted not but that his Excellency and their Honors would take such measures as should frustrate his wicked designs. They could not, the Commons said, punish the Chief Justice as he deserved; but they found a way in which they could quietly do so very effectually. In passing the supply bill for the year they took care to omit from it any provision for his salary. Governor Johnson does not appear to have given the Chief Justice any support in the controversy, but he now interfered in his behalf and sent a message to the Commons upon the subject of his salary, to which the House replied, reviewing the dispute and concluding, "These reasons (had the salary of the Chief Justice been established by law) would have been sufficient to have induced us to bring a bill to disqualify him, much more to justify us to your Excellency and all the world in negativing the allowance to him that is discretionary in us to give or not to give."

Dr. Cooper, Mr. Vaughn, and Mr. Graeme were upon their submission released; but the wrath of the Commons against the Chief Justice was not so easily appeased. They not only deprived him of his salary, but resolved that he ought to be suspended; and failing in obtaining this from Governor Johnson, they proceeded to enact a measure which was entitled "*An Act for the prevention of suits and disturbances to His Majesty's Judges and Magistrates in this Province on account of the Habeas Corpus Act.*"[1] The recital to this act makes this most extravagant and ridiculous charge: —

[1] *Statutes of So. Ca.*, vol. III, 347.

"Forasmuch as divers evil disposed persons have, since the first day of February, 1732, spoke, done, acted, and meditated acts, deeds, and things during the sitting of this General Assembly in contempt and defiance of His Majesty's Government and authority in a daring and contemptuous manner, and in defiance of the power and authority of both Houses of Assembly in this Province, and it being very apparent to His Majesty's Council, and the Commons' House of Assembly of this Province, that some particular turbulent and ill minded persons have combined and confederated together in the contrivance of a new invented scheme to acquire money by speaking and acting most audaciously and contemptuously against the Legislative power of this Province, and provoking their own confinement by offending authority, and under pretence of urging their enlargement from such confinement (not by submission, confession of guilt, or request for forgiveness) have endeavored to intimidate the Magistrates of this Province by soliciting and demanding a writ or writs of *Habeas Corpus*, although not legally entitled thereto, and on such Magistrates non-compliance or refusal have threatened actions, suits, and vexations in hopes of bringing the Magistracy of the Province under a general contribution to such insolent offenders; in order, therefore, to establish the quiet of His Majesty's Magistrates and other officers against the threats, suits, and disturbances of such a malignant cabal of people we humbly pray, &c."

Having thus set up these conspirators, these men of straw, these rogues in buckram, the act goes on solemnly to provide against their evil deeds, and declares that no public officer should be subject to suit or penalty for neglecting to issue *habeas corpus* in such cases. It is curious and remarkable that Mr. John Lloyd, who had been recently sent as one of the agents of the province to England, a dignified, sober person, in a grave and serious speech, which is published in the *Gazette*, supports this bill. In vain did the Chief Justice, in the Council and by letter in the *Gazette*, temperately reply to Mr. Lloyd, and point out its absurdities, showing that the writs for damages, which he was charged with signing for such evil purposes, were but blank writs signed by him and

left with the clerk to be issued to the attorneys who applied for them, and about which he knew nothing until the case came before him in due course of law. Just so writs to-day are issued by the Clerk of the United States courts in the name of Melville Fuller, Chief Justice, the name of the Chief Justice now being printed in the body of the writ, not signed by the hand of the Chief Justice himself. The act was passed, and Mr. Francis Yonge going to England about this time, Governor Johnson sends it to the Duke of Newcastle, Secretary of State, with a letter by him, in which he tells his Grace that there was an imperative necessity to put a stop to such litigious proceedings as were threatened by some lawyers who had been committed by the Lower House of Assembly for contempt and breach of privilege, and who had procured commitments in order to raise contributions from the Magistrates. He trusts it will meet with his Majesty's approbation. Mr. Yonge would give more fully the reasons inducing him to give his assent to the act. Mr. Yonge was not successful, however, in satisfying the Royal government of the propriety of this singular measure. Dr. Cooper presented a petition, giving his version of the matter, which with the act was referred to the Board of Trade and Plantations, and upon the report of that body the King in Council disallowed and ordered the act repealed.[1]

It was a great cause in which Chief Justice Wright, Mr. Vaughn, and Mr. Graeme, who was afterward also Chief Justice, were engaged. And yet, strange to say, though it cannot be supposed for a moment that either House of Parliament in England or either House of Congress in this country, or of the legislature in any

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 184, 262; *Statutes of So. Ca.*, vol. III, 348, 349.

State would dare now to commit any one for aught but an actual breach of privilege or contempt, Chief Justice Wright stands alone at that time with Chief Justice Holt in resisting the power of a legislature in such a case. The theory of such a power rests on the theory of the omnipotence of Parliament and on the theory that either House sits as a court. But as Holt argued, neither House nor both Houses acting together can alter the law so as to affect the liberty or property of the subject; the Queen in England and the Executive in this country — President or Governor — must join in doing so. The necessity for the concurrence of the three branches of the legislature, as he said, constitute the excellence of our Constitution. How, then, can the omnipotence of Parliament be invoked to sustain the action of either House without the concurrence of the other and of the Executive? The privileges of the House of Commons, said Holt, are well known, and nothing but law. And yet so great a judge as Lord Kenyon quailed before the House of Lords in 1799, and refused to release one charged with libelling that body because criticising its action.[1] This case, however, was one of an alleged contempt. But in the famous case of Sir Francis Burdett, in 1810, in which he was committed to the Tower for writing a letter challenging the right of the Commons to commit for contempts, Lord Ellenborough, following Holt, was bold enough to deny to the House a general criminal jurisdiction, and to declare that while if a commitment by it appeared to be for contempt *generally*, he would inquire no further; if, on the other hand, it did not profess to commit *for a contempt* but for some matter appearing on the return to the writ which

[1] *The King* v. *Fowler*, 8 Town Reports (Dumford and East), 314. See in this case an admirable summary of precedents to that time by Clifford.

could by no reasonable intendment be considered as a contempt, but a commitment palpably and evidently arbitrary and unjust, he would consider himself bound to act as justice might require.[1] Strange to say, as late as 1851 Lord Campbell criticises the action of Holt and the declaration of Lord Ellenborough, and disapproves of the threat of some judges to look into cases of commitment by the Houses of Parliament, and to discharge the prisoner if the commitment appeared to them not to amount to a breach of privilege, and prides himself upon a device of his while Lord Chancellor, which he says is allowed on all hands entirely to oust the jurisdiction of the common law courts.[2]

Here, as in almost every other instance, we see that the controversies in the colonial Assemblies were but the reflex of the struggles going on in the mother country, stimulated, no doubt, by the impulses to freedom to which their surroundings in the new country gave birth.

[1] *Burdett* v. *Abbott*, 14 East, 358.

[2] *Lives of the Chief Justices*, vol. II, 132 *n.*, 134 *n.*

CHAPTER X

1733–37

On the 13th of January, 1733, General Oglethorpe arrived at Charlestown with the first part of his colony for the settlement of Georgia. They were received by the Governor and Council with every mark of civility and attention. The King's pilot was directed to carry the ship into Port Royal, and small vessels were provided by them to take the emigrants to the Savannah River. Thus assisted, they resumed their voyage, and shortly dropped anchor within Port Royal bar. The colony landed at Beaufort on the 20th of January, and had quarters given them in the new barracks there. They received every attention from the officers of his Majesty's Independent Company and the gentlemen of the neighborhood, and refreshed themselves after the fatigues and discomforts of their long voyage and cramped accommodations.

Leaving his people there, Oglethorpe accompanied by Colonel William Bull explored the country, and having found a high and pleasant spot of ground on the Savannah, fixed upon it as the most convenient and healthy situation for the colony. On this place they marked out a town, and from the Indian name of the river they called it Savannah. A small fort was erected on the banks as a place of refuge, and some guns were mounted. The people were set to work felling trees and building huts, Oglethorpe animating and encouraging them by sharing with them all the hardships they endured.

The most generous assistance, says Bishop Stevens, was given the new colony by South Carolina. The Assembly which met three days after the arrival of the emigrants, though engaged, as we have seen, in the controversy with the Chief Justice and the lawyers, and though still busy with the vexed question of the currency, found time and means to devote to their assistance. They immediately resolved to furnish the colony with large supplies of cattle and rice. They appointed Colonel William Bull, one of the Governor's Council and a gentleman esteemed "most capable of assisting Oglethorpe in settling, by reason of his experience in colonial affairs, the nature of lands, and the intercourse with Indians," to attend him and afford him advice and assistance. There was a general readiness of all to assist the new colony. The Governor wrote, "Had not our Assembly been sitting, I would have gone myself." Nor was private assistance in any way behind public munificence. Colonel Bull brought with him four laborers and assisted the colony for a month, he himself measuring the scantling and setting out the work for the sawyers. Mr. Whitaker and his friends sent the colony one hundred head of cattle. Mr. St. Julien went to Savannah and stayed a month, directing the people in building their houses and other work. Mr. Hume sent a silver boat and spoon for the first child born in Georgia, which being born of Mrs. Close was given accordingly. Mr. Joseph Bryan himself with four of his sawyers gave two months' work. The inhabitants of Edisto sent sixteen sheep. Mr. Hammerton gave a drum. Mrs. Ann Drayton sent two pair of sawyers. Colonel Bull and Mr. Bryan appear to have given the services of twenty other of their servants. His Excellency Governor Johnson gave seven horses.

Having put Savannah in as strong a position of defence

as possible, and taken hostages of the Indians, General Oglethorpe returned to Charlestown attended by an Indian chief Tomochichi, chief of a small tribe he had found at an Indian village and trading town called Yamacraw, and two of his nephews. He came to solicit further assistance. He was met at the waterside by his Excellency the Governor and Council, who conducted him to the Governor's house, where the speaker and House of Assembly came to present their official congratulations on his arrival. His solicitations were promptly answered. The Assembly voted £2000 currency for the assistance of Georgia the first year, and soon after the committee of supply brought in a bill for granting £8000 currency for the use of the colony for the ensuing year. The citizens also subscribed £1000 currency, £500 of which were immediately paid down.[1] Oglethorpe met not only with this substantial assistance; there was an exchange also of social amenities. The *Gazette* of Saturday, 23d of May, 1733, announces that "Last week the Assembly sent a message by two of their members to compliment Mr. Oglethorpe, and invite the Governor and himself to dinner. There was a very handsome entertainment, which concluded with drinking of healths to his Majesty, the Royal Family, &c., and firing the cannon. On Thursday, Mr. Oglethorpe invited his Excellency the Governor and Council to dinner, and at night he gave a ball, and a cold supper to the ladies at the Council Chamber. There was there the greatest appearance of fashion that has been known on such an occasion."

The liberal assistance given by South Carolina to the establishment of the new colony cannot, however, be claimed as an act of mere generosity. The planting of

[1] *Hist. of Georgia* (Stevens), vol. I, 87, 95; *Statutes of So. Ca.*, vol. III, 362.

this colony greatly increased the security of the old province from the Spaniards and Indians at St. Augustine who had proven so injurious, and well might the settlers in Carolina, old and new, do all in their power to build up a living wall, as it were, between them and their dangerous neighbors. They were prepared, therefore, to hail the new colony as a bulwark against their Floridian and savage enemies, as opening further opportunities of trade, and as enhancing the value of their frontier possessions, which, according to the best authorities, were raised, it was said, to five times their former value about Port Royal and the Savannah River.[1]

Governor Robert Johnson's tenure as first regular Governor under the Royal authority was not a long one. His health had been failing, and he died on the 3d of May, 1735. There had been no such stirring events as had occurred during his administration under the Proprietors. He had had no occasion again to exhibit the heroic qualities which he had shown in his brilliant action against the pirates in 1718. But the traits which, even amidst the troublesome times under which he had formerly served, had made the people wish to retain the Governor while overthrowing the government which he represented, in the quieter times of his administration as a Royal Governor, now given free exercise, had still more endeared him to the colonists, and had won for him the title of the "good Governor Robert Johnson." *The South Carolina Gazette* of May 10, 1735, thus announces his death, and tells of his funeral ceremonies: —

"On Saturday last (May 3d) between twelve and one o'clock died after a long and lingering sickness His Excellency Robert Johnson Esq: Captain General, Governor and Commander in Chief in and over this His Majesty's Province, and was decently interred on

[1] *Hist. of Georgia* (Stevens), vol. I, 93.

Monday last in a vault near the altar in Charles Town Church. His Pall was supported by the gentlemen of his Council, and his corps(e) was attended to the grave by the Lower House of Assembly preceded by the Speaker and a numerous body of Gentlemen and Ladies who came from all parts of the Province where timely notice could be had of his death to pay the last respects to one whom they might justly look upon as their common father. The Troop and two companies of the Charles Town Foot appeared on the melancholy occasion to add to the solemnity of the procession. The principal mourners were His Excellency's two sons and two daughters, his brother in law Thomas Broughton Esq: the present governor and his family. His Excellency died in the 59th year of his age and the 5th of his government. He had on his advancement disposed of all his patrimony in England so that his interest might concur with his inclination in promoting the welfare of that country his Majesty had done him the honor to intrust him with the care of, and accordingly always kept up a good correspondence with the Assembly, as they were all fully convinced by the whole tenor of his conduct that the interest of the province lay principally at his heart. But it is needless to enlarge upon a life and character so well known and which has rend'd his death so universally and deservedly lamented over the whole Province."

The General Assembly caused to be erected a monument to Governor Johnson's memory in St. Philip's Church, and there it remained on the walls until the edifice was burned in 1835, just one hundred years after.[1]

Upon Governor Johnson's death the administration of the province devolved upon Lieutenant Governor Thomas Broughton, his brother-in-law, who immediately assumed the government, and issued his proclamation announcing that he had done so.[2]

Lieutenant Governor Broughton was a plain, honest gentleman, but little distinguished, says Hewatt, for

[1] See the inscription on the monument in Dalcho's *Ch. Hist.*, 122; *Year Book City of Charleston* (Courtenay), 1880, 270.

[2] *So. Ca. Gazette*, 10th of May, 1735.

qualities suited to the position to which he was thus accidentally called; and it was charged that during his brief administration many leading men acquired large possessions without many scruples in the way in which they were obtained, the Lieutenant Governor, without suspicion, freely granting warrants for the lands they desired.[1] But his short administration of less than two years was more remarkable for another constitutional struggle. This time it was between the Commons' House of Assembly on the one side, and himself as Governor with his Council on the other. The reader must not tire of the details of these constantly recurring struggles between the different branches of government; he must reflect that it was through these contentions that the principles of liberty he now enjoys came to be understood and recognized. He must recollect that it was in these early discussions in our colonial Assemblies that the principles at stake in the great Revolution of 1776 were evolved and formulated and implanted in the minds of the people, as if in preparation for that greater struggle and its momentous consequences. These struggles may have been, and probably were, in some instances, at least, more the outcome of factious spirits contending for power than the promptings of enlarged ideas and settled convictions upon the subject of constitutional government; but all the same it was through these means that under the providence of God the foundations of our free institutions were being settled and established.

The colonists in South Carolina were closely following the development of the principles of government in the mother country. The Commons, claiming to be the immediate representatives of the people, were asserting for themselves all the power and privileges of the Commons in

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 46.

the Parliament of England. They were watching closely and curbing upon every occasion the exercise of any questioned prerogative of the Governor and Council; nor were they willing to admit that the latter body on their part possessed the power of the House of Lords, nor even to acknowledge that the Council was an Upper House or anything more than an advisory board to the Governor. The Council on the other hand were prompt not only to assert their rights and power as an Upper House as against the Commons; but even as against the Governor himself they claimed and successfully asserted their independence as a distinct branch of the government. They were not, it is true, an hereditary order, but as deputies of the Proprietors or as councillors of the King there were several families in the colony who were rarely without representation in that body. It was seldom that there was not a Bull, or a Middleton, or a Drayton in the Council.

The legal right of the Commons in England to originate grants of money had long been recognized; but to the right of originating such measures their claim appears to have been confined for nearly three hundred years. The Lords were not originally precluded from amending bills of supply. But contemporaneously with the founding of Carolina, *i.e.* in 1671, the Commons in England had advanced their claim and had begun to deny the right of the Lords in any way to change or alter such bills. This principle, though never formally admitted, was acquiesced in and became and still remains the settled rule in the British Parliament, subject however to certain slight modifications which for convenience have been allowed.[1] Such was undoubtedly the constitutional principle in England. But did the circumstances of the colonies in America call for or warrant

[1] May's *Law and Practice of Parliament*, 407, 408; Cushing's *Law and Practice of Legislative Assemblies*, 889, 891.

its application here? Did the Council stand to the Commons' House of Assembly in South Carolina in the same position as the Lords did to the Commons in Parliament so as to justify and warrant the application of this rule? It did not; and experience has demonstrated that the rule was needless and inapplicable in this country. Though in most States and in the Congress of the United States all tax bills must originate in the Lower House as the more immediate representation of the people, the Senate, which stands in the place of the House of Lords in England, is free to alter or amend as it deems best.

The 35th section of Governor Nicholson's instructions, it will be recollected, was especially framed to meet this claim which had been set up in other colonies. It especially provided that if upon calling an Assembly in Carolina, the Commons refused to allow the Council to alter or amend a tax bill, his Excellency was to signify to them that it was his Majesty's pleasure that the Council should have the like power of framing and allowing money bills as the Assembly. His Majesty's right to make this instruction was now to be boldly questioned, and in doing so it will be observed that the colonists were asserting a constitutional limitation to his Majesty's powers, as well as insisting upon the rights of the people alone by their immediate representation to grant supplies.

The struggle during Mr. Middleton's administration had been like that in England over "the Occasional Conformity Bill" in 1704, when the Tories, in brief control of the Commons, had endeavored to force that measure upon the Whig House of Lords by tacking it to a supply bill, and thereby saying to the Peers that they would only obtain the means of carrying on the government by yielding to their demands. It will be remembered how that attempt failed in England. For four years, *i.e.* from

1727 to 1731 the Commons here had refused to allow the passage of any tax bill that did not contain a provision for the extension of the currency. The question now arose in different form though really involving the same principle. In this instance the Commons were not seeking to force upon the Governor and Council any extraneous legislation by means of a tax bill, as had then been attempted; but were resisting the right of the Council sitting as an Upper House to amend a tax bill for any purpose whatever. They were maintaining the doctrine not only of the exclusive right of the Commons to grant supplies, but the denial of the right of the Council to do more than accept or reject a tax bill as sent. The bill in this case sent to the Council was one providing merely for the usual items of annual expenditure; but this the Council undertook to amend; and there at once arose a very far-reaching question, — one going to the roots of the Royal governments in the American colonies, — assuming that the Council occupied to the matter the same position as the House of Lords: could his Majesty the King by his Royal instruction to the Governors in any way affect or limit the rights and privileges of the colonists as English subjects? If British subjects in England could only be taxed by their immediate representatives in the Commons' House of Parliament without amendment by the House of Lords, could British subjects in America be taxed by a body here corresponding to the House of Lords in England?

The Assembly had hardly returned from the funeral ceremonies upon the death and burial of Governor Robert Johnson when the struggle began. The Commons' House having prepared the money or supply bill to provide for the expenses of the current year, it was sent to the Council for its concurrence. Lieutenant Governor Broughton,

who was then sitting with the Council, and the members of that body, not being satisfied with the provisions of the bill, proceeded to alter it by adding thereto an item of £2100, and having done so they sent it back to the Commons as amended in the Council chamber.[1]

In a moment the Commons were up in arms, and without waiting for a conference proceeded to declare their view of their rights in very positive terms. A committee was appointed to consider the infringement on their prerogative, as it was said, of which Charles Pinckney was chairman.[2] The report of the committee, which was drafted by Mr. Pinckney, made a strong presentation upon the subject. We read from the Journal: —

"Mr. Pinckney from the Committee to draw up Resolutions on the Council Amending the Tax bill offered the following ones, which were read and agreed to by the House *nemine contradicente* and ordered to be entered on the journals, viz.:

"In the Commons' House of Assembly the 28th day of March 1735.

"Resolved, That it is the Opinion of this House that it is the inherent right and privilege of every Englishman not to be charged with any taxes or aids of money but what are given and granted by his Representative in Parliament.

"Resolved that the House of Commons have the sole right and power over the Moneys of the Peoples and of giving and granting or denying Aids or Moneys for the Public Service.

"Resolved that the House of Commons have the first commencement and consideration, the sole Modelling in their House of all Laws for imposing Taxes and levying and raising acts of Money upon the People for the defence and support of the state and government.

[1] The author has in this account followed very closely the collations of the Reports and Resolves of the two Houses as prepared by Mr. Shirley Carter Hughson, and published in a communication to the *New York Evening Post* under date September 16, 1893.

[2] Charles Pinckney was the son of Thomas Pinckney, concerning whom see *Hist. of So. Ca. under Prop. Gov.* (McCrady), 261, 262. This was the beginning of an illustrious career in which he will frequently appear in these pages.

"Resolved That the foregoing privileges are some of the Fundamental Laws, Rights, Liberties and Customs of the people of England confirmed by many statutes and acts of Parliament.

"Resolved, That his Majesty's Subjects of this Province are entitled to all the liberties and privileges of Englishmen.

"Resolved That the Commons' House of Assembly in this Province by Laws and Statutes of Great Britain made of force in this Province and by ancient Usage and Custom have the same rights and Privileges in regard to introducing and passing Laws for imposing Taxes on the People of this Province as the House of Commons of Great Britain have in introducing and passing Laws on the people of England.

"Resolved That after the estimate is closed and added to any Tax Bill that no additions can or ought to be made thereto by any other Estate or Power whatsoever but by and in the Commons' House of Assembly."

The Speaker was directed by the House to thank Mr. Pinckney for the care and trouble he had taken in vindicating the rights and privileges of the House, which he accordingly did. The resolutions do not appear to have been formally presented to the Council, for we find the next day that that body sent a message requesting the action of the House upon their amendments and urging the importance of an immediate passage of the bill. The Commons promptly replied, denying the power of the Council to amend a tax bill, and informing them that as the Commons regarded their action in doing so, as striking at the fundamentals, they had unanimously rejected the bill on the third reading. Upon this Lieutenant Governor Broughton, as he was bound to do by the 35th Instruction to Sir Francis Nicholson, which had been continued in Governor Johnson's instructions, to which he succeeded, on the 29th of March prorogued the Assembly to the 15th of April, he being left in the meanwhile without any funds upon which to draw for current expenses.

When the Assembly met again on the 15th of April

Lieutenant Governor Broughton addressed them, urging them to proceed in raising the necessary supplies for the support of the government; but the temper of the House had not changed. The members came back determined to insist upon their position. They replied that they had rejected the bill at the last session on the highest reasons and for the preservation of the most invaluable privileges of the people, which they should endeavor to preserve sacred and inviolable.

The Commons remaining firm, Lieutenant Governor Broughton addressed them another message, calling their attention to his Majesty's 35th Instruction to Governor Nicholson, under which the Board had power to frame, alter, or amend money bills, which could not be looked upon as an infringement of the liberties of the people, and urging them to send up the estimates for the action of the Council.

Upon receiving this message asserting the right of the Council to amend money bills under Governor Nicholson's 35th Instruction, the Commons appointed a committee to examine the journals of former Houses to see what had been done by them in cases of a like nature. The committee consisted of Othneal Beale, Charles Pinckney, and Andrew Rutledge. They met immediately and made the examination. They reported that they had searched the journals and found that the Council at several times at the beginning of Mr. Middleton's administration, in 1725, claimed a right of framing, altering, and amending tax bills, but that the Commons' House of Assembly would never agree to any such amendments by the Upper House; that at one time a tax bill was lost which had been amended by the Council; that at another when amendments had been made in a tax bill by the Council, the Lower House had struck the same out, and sent the bill

back, as first framed in the Commons' House, and that the Council in the end gave up the point. Upon this verbal report the committee were instructed to draw a formal message to the Council in answer to theirs of that morning. Mr. Pinckney reported a message accordingly, which was agreed to and signed by the Speaker. The message maintained (1) that the 35th Instruction, relating as it did to the election law, could not give power to the Council to amend a tax bill in derogation of the fundamental rights of the Commons' House; (2) that it would be extraordinary for the Council to assume such a power, it never having been consented to by the House; and (3) that the Council's claim as to the tax bill would be an egregious departure from the unquestionable privileges of the House. And so the matter rested, and it was not until the next year that a supply bill was passed. Lieutenant Governor Broughton died on the 22d of November, 1737, when the government devolved upon William Bull as President of the Council.

CHAPTER XI

1737–40

Lieutenant Governor Broughton died on the 22d of November, 1737, and as it happened, Mr. Arthur Middleton, the President of the Council, had died on the 6th of September before; the administration of the government under his Majesty's instructions devolved, therefore, upon the senior member of the Council, who at this time was the Hon. William Bull, son of the emigrant Stephen Bull, who came out with the first colony under the Proprietors, and had already risen to the position of a member of the Council under their Lordships. He had been one who stood to the last by their Governor, but had been immediately restored to the same position upon the accession of the Royal government. We have just seen him busily engaged assisting Oglethorpe in the establishment of his colony. He was now to begin an administration of the province as President of the Council and Lieutenant Governor, which he was repeatedly to lay down and take up again in the absence of a Governor, and in which his son was to succeed him, so that father and son were to administer the government of the province from time to time for a period of thirty-three years: administrations which were always welcomed by the people for the ability, tact, and good judgment with which they were conducted, and which it would have been well for the Royal authority had it made permanent, and dignified them with the prestige and power which belonged only to a fully commissioned Governor. William Bull, Jr., the son, was Speaker of the

Commons during the years 1740 to 1742, and so the acts passed during these years are authenticated by the signature of the son as Speaker, and assented to by his father as Lieutenant Governor.[1]

The government at home seems to have found some difficulty in supplying Governor Johnson's place. On the 24th of July, 1736, it was announced at Whitehall that his Majesty had been pleased to appoint Brigadier General Anstruther, then Deputy Governor of Port Mahon, to be Governor of South Carolina ;[2] but nothing more was heard of it. In 1738 Colonel Samuel Horsey, whom the Lords Proprietors had pressed for the appointment when Robert Johnson was commissioned, was at last appointed; but there was some delay in the preparation of his instructions, owing to the confusion in respect to the titles to land in North and South Carolina, the King's quit-rents, paper money, and duties on negroes, which it was desired should be settled before he came out, and he died shortly afterward very suddenly without leaving England.[3] Colonel Bull was appointed Lieutenant Governor June 3, 1738, and on the 25th of December, 1738, James Glen kissed his Majesty's hand as Governor of South Carolina, but did not come out to the province until five years after.[4]

The *Gazette* of April 5, 1739, contains this announcement : —

"Tuesday last (*i.e.* 3d) being the day appointed for the Review of the Troop and Regiment of St Philips Charlestown, the two following commissions of his Majesty were published at Granville Bastion,

[1] *Statutes So. Ca.*, vol. III, 543, 597.

[2] *So. Ca. Gazette*, October 9, 1736.

[3] Hewatt's *Hist. of So. Ca.*, vol. II, 66 ; *Coll. Hist. Soc. of So. Ca.*, vol. III, 300 ; *So. Ca. Gazette*, May 18, 1738.

[4] *So. Ca. Gazette*, April 12 and May 3, 1739 ; *Coll. Hist. Soc. of So. Ca.*, vol. II, 271.

under the discharge of the cannon both there and at Broughton Battery, the one constituting and appointing the Hon: William Bull Lieutenant Governor in and over the province, and the other his Excellency James Oglethorpe General and Commander in Chief of his Majesty's Forces in the provinces of South Carolina and Georgia. After the review, the General gave a handsome entertainment to the members of both Houses of the General Assembly, magistrates, officers and other gentlemen of distinction, when the healths of his Majesty and the rest of the Royal family, Dukes of Argyle and Newcastle, Lord Wilmington, Sir Robert Walpole, and several others were drunk in Bastion (a regular method of drinking, observes the *Gazette* in a foot-note, introduced by the officers of the Charlestown Regiment). In the evening his Excellency likewise made a general invitation to the ladies to an excellent supper and ball so the day was concluded with much pleasure and satisfaction." [1]

General Oglethorpe was a soldier of great experience, having enjoyed the friendship of the Duke of Marlborough, through whose influence, with that of the Duke of Argyle, he had been made aide-de-camp to the Prince Eugene, and had had the advantage of service with that great master of the science of war. He was with Prince Eugene during nearly all the battles of the Austrians and the Turks on the frontiers of Hungary. At the siege and the battle of Belgrade he was in active command. This was the school of arms in which, and the general under whom, Oglethorpe had studied the art of war. In these sieges and battles he acquired great reputation and the commendation of the distinguished Prince.[2] It may well be supposed that the colonists regarded themselves fortunate, indeed, in having so experienced and distinguished a soldier in military command, now that a rupture was again threatened between England and Spain, and their old enemies at St. Augus-

[1] Bishop Stevens, in his *Hist. of Georgia*, states that General Oglethorpe was appointed General of the forces in South Carolina and Georgia in June, 1737.

[2] Stevens's *Hist. of Georgia*, vol. I, 79–81.

tine were again to be guarded against. They cordially joined in the military salutations upon his appointment, and in the festivities to which they were invited upon the occasion.

Three years of disasters now followed in succession. In 1738 smallpox was imported in a ship from Guinea, and spread so extensively that there were not a sufficient number of persons in health to attend the sick, and many persons perished from neglect and want. There was scarcely a house in which there had not been one or more deaths. Inoculation was at this time first attempted with some success, and the disease soon after abated. The next year, 1739, yellow fever again appeared, and raged as violently as in 1728 and 1732. It was observed that it was most fatal to those recently from Europe. Among these Chief Justice Wright fell a victim on the 12th of October, and among others who died were Maurice Lewis, Esq., Judge of the Vice Admiralty and Master in Chancery, Mr. Higginson, Surveyor of the Customs, Mr. Amyand, Clerk of the Assembly, and Mr. Strahan, Clerk of the Court of Admiralty. Lieutenant Governor Bull was compelled to prorogue the Assembly because of it.[1] In the same year occurred an insurrection of the negroes in which many lives were lost. The year 1740 was remarkable in the annals of the colony for two notable and inauspicious events, — an unsuccessful expedition to St. Augustine, and a most disastrous fire which destroyed a large part of the town.

But before we proceed to the narration of these events, we must pause to observe two additional steps taken in regard to the powers of the two Houses of Assembly: the first, a repetition of the denial by the Commons of the right of the Council to amend a tax bill; the second, the

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 273.

important action of the Council in asserting its legislative as distinct from its advisory character as a council.

The first arose upon a most trivial matter. The Commons, while placing in the estimates to the tax bill the word "Honorable" before the name of Mr. Pinckney, who was Speaker, had omitted the prefix to that of Mr. Hammerton, the Secretary of the province and of the Council. The Council jocularly objected to this, but the objection was taken seriously and renewed the discussion as to the right of the Council to amend in any way a tax bill. The Council, on the other hand, roundly asserted its rights not only to do so, but to frame money bills. As, however, war with Spain was now imminent, and the safety of the province would not permit a controversy, an expedient was agreed upon by which the difficulty was avoided, each House reserving the rights it claimed. It was agreed that when the Council desired an amendment they would present it on a separate schedule which they would send to the Commons with the money bill, when the amendment would be proposed from the floor of the House and considered.[1] With this arrangement the House contented itself, causing to be transcribed in its journal, of the 10th of April, 1739, in large and bold characters, that "the Upper House of Assembly, in taking upon themselves to make additions and alterations in the bill for granting a supply to his Majesty, have violated the privileges of the House: It being the undoubted right and privilege of the Commons' House of Assembly to have the first commencement and sole modelling of all laws for imposing taxes and levying and raising aids of money upon the people for the support of his Majesty's government in this province."

[1] Letter of Lieutenant Governor Bull to Lord Hillsborough, September 8, 1770.

The second measure, that by the Council, was still more decisive. The day after the Commons had thus again reiterated their sole power to impose taxes, the Council took the step of excluding the Governor from participation in its consideration of measures of a legislative character. On the 11th of April, 1739, they entered upon their journal the following order: "The Governor or Commander-in-Chief being present during the debates of this House is of an unparliamentary nature; it is therefore resolved that we will not enter into a debate during his presence." From this time the Governor of South Carolina was excluded from the Council and restricted to his duties of an executive character. The legislative and executive departments were thus clearly defined, distinguished, and separated, and Chief Justice Wright had successfully asserted the independence and power of the third — that of the judiciary.[1]

In *A Description of South Carolina*, published in London in 1761, but which is supposed to have been the basis of Governor Glen's answer to the queries of the Lords Commissioners of Trade and Plantations made probably

[1] Mr. Brooks Adams in his work, *The Emancipation of Massachusetts* (1887), 306, speaking of the constitution of that commonwealth of 1779, observes: "But viewed as a whole the grand original conception contained in this instrument, making it loom up a land-mark in history, is the theory of the three coördinate departments in the administration of a democratic commonwealth, which has been received as the cornerstone of American constitutional jurisprudence." But here we see the Council in South Carolina by their action practically adopting and enforcing the distinction between the three coördinate departments of government, just forty years before. But the theory of the three coördinate departments of government was original neither in South Carolina nor in Massachusetts nor elsewhere in America. We get this idea, as we do all others of our free institutions, from the mother country. It was announced as fundamental by Chief Justice Holt, in the great *Aylesbury Case*, in 1704, "The necessity for the concurrence of the three branches of the legislature," he declared, "constitutes the excellence of our constitution."

in 1749,[1] the number of white people in South Carolina, including men, women, and children, it is said was about 14,000 in the year 1724, and the number of slaves at that time, reckoning men, women, and children, was about 32,000,[2] mostly negroes. In the last nine years, while the whites had little more than doubled, the negroes had trebled. In a memorial in 1734 by Governor Robert Johnson, the President of the Council, and the Speaker of the Commons, transmitted to his Majesty, it was stated that the inhabitants of both Georgia and South Carolina composed a militia of only 3500 men, the negroes at least 22,000, in the proportion of 3 to 1 for all white inhabitants of South Carolina.[3] The apprehensions of the people began to be aroused at this great disproportion in the relative numbers of the two races. In the *Gazette* of April 2, 1737, a communication appears over the signature of "Mercator," in which it was stated that in four years past there had been imported 10,447 negroes, and in the four years before only 5153. To the running in debt for negroes beyond the means of planters, the writer attributed the scarcity of money. He went on to say that if some method was not speedily taken to prevent the large importation of negroes, it would not only increase the scarcity of money, but also be of the most fatal consequence to the province. Another writer in the *Gazette* of March 9, 1738, repeats the warning. He writes: —

"I can not avoid observing that altho'h a few negroes annually imported into the province might be of advantage to most People, yet such a large importation of 2600 or 2800 every year is not only a loss

[1] Advertisement to *Documents connected with So. Ca.* (Weston), 63.

[2] Drayton, in his *View of So. Ca.*, 103, gives a table of population, in which the whites are put in 1723 at 14,000, the negroes at only 18,000. The account given by Governor Glen shows that Drayton's figures in this instance are incorrect.

[3] Hewatt's *Hist. of So. Ca.*, vol. II, 38, 39.

to many, but in the end may prove the Ruin of the Province, as it most certainly does that of many industrious Planters who unwarily engage in buying more than they have occasion, or are able to pay for."

The writer states that until the year 1732 the common method of selling negroes in the province was by payment in rice, on time, whereby sellers were enabled to make ten per cent per annum profit by forbearance of requiring payment. The rice was valued at about 37*s*. 6*d*. per hundred weight, the casks going for nothing. The factors were under no other contract with their employers in England than to remit the rice when they received it. But now he complains the case is altered, the sales being upon a new and quite a different footing. The factor here is now bound to make good all debts; two-thirds of the value in twelve months, and the other one-third in two years after the day of sale. This the writer held the planter could not do. He maintained that a good crop of rice even at 60*s*. per hundred weight was not sufficient to pay all the planters' debts, nor would a good crop the next year pay half the debts then due to the trading man in town. But notwithstanding the apprehensions of the people, because of the increasing disproportion of the whites to the negroes, and the protests of the writer just quoted that the planters were buying more of them than they could pay for, negroes continued to be imported in great numbers. In 1733 it had been estimated there were 22,000 in South Carolina, in four years following 10,447 had been imported. In 1739 it was estimated that the number had increased to 40,000.[1]

That the apprehensions of the writers we have quoted as to the danger of this influx of barbarous savages were

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 71. It is to be observed, however, that Governor Glen in 1749 estimated the number at only 39,000.

not groundless was now demonstrated. An outbreak occurred, undoubtedly instigated by the Spaniards at St. Augustine. Emissaries had been sent persuading the negroes to fly from their masters to Florida, where liberty and protection awaited them. Many had made their escape to that settlement. Of these negroes the Governor of Florida had formed a regiment, appointed officers from among them, allowed them the same pay, and clothed them in the same uniform with the regular Spanish soldiers. Of all this the negroes in South Carolina were kept informed, and when they ran away made their course directly to St. Augustine. Several attempts to do this had recently been discovered and prevented.

At length, on the 9th of September, 1739, a number of negroes assembled at Stono and began their movement by breaking open a store, killing two young men who guarded the warehouse, and plundering it of guns and ammunition. Thus provided with arms, they chose one of their number captain, and marched in the direction of Florida with colors flying and drums beating. On their way they entered the house of Mr. Godfrey, murdered him, his wife, and children, took all the arms in the house, and, setting fire to it, proceeded to Jacksonborough. In their march they plundered and burned every house, killed the white people, and compelled other negroes to join them.

Lieutenant Governor Bull, happening to be on his way to Charlestown, probably from Beaufort, observing this body of armed negroes rode out of their way and avoided them. He crossed over to John's Island and from thence reached Charlestown with the first intelligence. Mr. Golightly also seeing and avoiding them went directly to the Presbyterian church at Wiltown and gave the alarm. By a law of the province all persons were required to carry

arms to church,[1] and as it was Sunday Mr. Golightly found there a body of armed men and proceeded with them to engage the negroes about eight miles distant. The women were left trembling with fear while the militia marched in quest of the negroes, who, by this time, had become much more formidable from their numbers. For fifteen miles they had spread desolation through all the plantations on their way. Fortunately, having found rum in some houses, and drinking freely of it, they halted and began to sing and dance. During these rejoicings the militia came up and took positions to prevent escape, then advancing and killing some, the remainder of the negroes dispersed and fled to the woods. Many ran back to the plantations to which they belonged in the hope of escaping suspicion of having joined in the rising; but the greater part were taken and tried — some of them who had been compelled to join were pardoned; the leaders suffered death. Twenty-one whites and forty-four negroes lost their lives in this insurrection.[2]

The province was struck with consternation by this uprising of the slaves. The condition is thus described :[3] "On this occasion every breast was filled with concern. Evil brought home to us within our very doors awakened the attention of the most unthinking. Every one that had any relation, any tie of nature, every one that had a life to lose, was in the most possible manner shocked at such

[1] Hewatt makes this statement, but we have been able to find no such statute. The carrying arms to church was probably a custom, but not a law.

[2] *Coll. Hist. Soc. of So. Ca.*, vol. II, 270; Hewatt's *Hist. of So. Ca.*, vol. II, 71. In an article on "Slavery in the Province of South Carolina, 1670–1770," *Am. Hist. Ass.* (1896), by the author of this work, the date of this insurrection is given as 1740. The correct date is as stated here, the 9th of September, 1739.

[3] Report of Com. of G. A., 1740, on St. Augustine Expedition. *Coll. Hist. Soc. of So. Ca.*, vol. IV, 19.

danger daily hanging over their heads. With regret we bewailed our peculiar case that we could not enjoy the benefit of peace like the rest of mankind, and that our industry should be the means of taking from us all the sweets of life, and of rendering us liable to the loss of our lives and fortunes. With indignation we looked at St. Augustine like another Sallee, that den of thieves and ruffians, receptacle of debtors, servants, and slaves ; bane of industry and society, and revolved in our minds all the injuries this province had received from thence ever since the first settlement." This insurrection it was believed had been instigated by the Spaniards. To prevent further attempts Governor Bull sent an express to General Oglethorpe in Georgia urging him to double his vigilance and to seize all straggling Spaniards and negroes. A company of Rangers was employed to patrol the frontier and close up all passages by which they might make their escape to Florida.[1]

When it is recollected how the Spaniards had resented every effort to extend the southern frontier of Carolina, how they had massacred the colony of Lord Cardross at Port Royal in 1686, and had instigated the Indian uprising to prevent the establishment of the town of Beaufort in 1715, it will readily be supposed that they looked with still greater jealousy upon the attempt to plant another English colony on the south of the Savannah. But there were other far more serious and more general causes of increasing hostilities between the two nations. And about these there were causes of complaint on both sides. The prime cause on the side of the Spaniards was the illegal trade which the English colonies and the English vessels carried on with the colonial dependencies of Spain by

[1] Report of Committee on the St. Augustine Expedition, *Coll. Hist. Soc. of So. Ca.*, vol. IV, 19; Ramsay's *Hist. of So. Ca.*, vol. I, 110.

which means her commerce was said to have been reduced to one-seventh of its tonnage and value. On the part of the British, the oppressive restrictions imposed on English bottoms trading in Spanish colonies, the interruption of her lawful traffic and the seizure and condemnation of her vessels to the great injury of her colonial commerce.[1] The differences between the two nations arose very naturally from the fact that each was attempting to secure a monopoly of the colonial trade. Sir Robert Walpole, being entirely opposed to a war, had agreed to a convention to adjust all differences between the two kingdoms; but the result was unsatisfactory to both, and the King of Spain opened hostilities even before war was declared by ordering seizures of British goods and vessels, and compelling the withdrawal of all British subjects from his dominions. King George met these orders by directing his subjects to make reprisals.

But hostilities had already begun between the Georgians and the Spaniards at St. Augustine before the instructions of the King had been received. Oglethorpe had planted a garrison on the north bank of the St. John's River, where the river runs due east and west, which he called St. George's Fort, and stationed guard boats along the St. John's to patrol the river. This gave great offence to the Spaniards, whose ambassador at St. James now demanded the recall of Oglethorpe and renewed the claim of Spain to all the territory south of 36 degrees 50 minutes — in effect to all of South Carolina and Georgia. A Spanish commissioner came from St. Augustine, demanding that the English should evacuate all ports and towns south of the St. Helena. This demand — the increase of the garrison at St. Augustine, and of the Spanish naval force — so impressed Oglethorpe that he sailed for England,

[1] *Hist. of Georgia* (Stevens), vol. I, 154.

arriving there in January, 1737. His representations of the condition of affairs and of the obvious hostile intention of the Spaniards, which were singularly corroborated by disclosures made by a double traitor and spy, determined the Royal government to take immediate steps for the protection of the colonies. Oglethorpe was appointed General of the forces in South Carolina and Georgia and Colonel of a regiment which he was authorized to raise. The regiment he mustered into service in a short time, officered it with gentlemen of family and character, attached to it twenty cadets whom he afterward promoted as vacancies happened, and in addition took out with him forty supernumeraries at his own expense. As soon as his regiment was organized and drilled, he sent out part of it under the command of Lieutenant Colonel Cochran in the spring of 1738, which landing in Charlestown on the 3d of May proceeded at once to Fredrica, where a fort had previously been built by the General. On the 1st of July Oglethorpe, having received full instructions from the King, embarked with the remainder of the regiment on board the *Hector* and *Blandford* men-of-war and four transports. On the 9th of September they reached St. Simon's Island and disembarked amidst the salvos of artillery from the newly erected fort.

During the absence of Oglethorpe, the southern settlements had been frequently menaced with invasion, and, before the news of the declaration of war was received, the hostilities of the ensuing campaign began. And now a party of Spaniards landed on Amelia Island and killed two unarmed men who were carrying wood, cut off their heads, and mangled their bodies; but failing to surprise the fort, fled to their boats and escaped. Oglethorpe immediately manned all the boats with the Highland Rangers, a detachment of his regiment, and, placing himself at their head,

pursued the enemy to the St. John's, crossed that river, and advanced one day's march to St. Augustine. Returning to Fredrica, he sent Lieutenant Dunbar with forty soldiers and ten Indians up the St. John's, who attacked a fort the Spanish had built at Picolata ;[1] but, having no cannon, was obliged to retire with the loss of three wounded. Upon this, General Oglethorpe, embarking on the 1st of December, with a considerable party and several cannon, steered up the St. John's. A party of Indian scouts had been sent before him, who, suddenly falling upon Picolata, surprised and burnt it before Oglethorpe with his forces arrived. Proceeding onward, Oglethorpe attacked Fort St. Francis on the opposite side of the river, and took it with all its munitions and its garrison as prisoners of war. The success of this little expedition would have been of great value to the English had General Oglethorpe availed himself of its benefits, as it gave them the navigation of the St. John's, and was a serious loss to the Spaniards, as it cut off their communication with the west of Florida, and with the Appalachees and other friendly Indians.[2]

Upon the receipt of his Majesty's orders, Oglethorpe at once addressed himself to the work of putting South Carolina and Georgia into a state of defence. His first step was to send an officer into the Cherokee nation to raise one thousand Indians to invade the Spanish territory, and another to the Creek nation, from which two hundred were to march into Florida.

[1] Picolata, or Picolati, situated on the east side of the St. John's River, twenty miles from St. Augustine ; remarkable for its ancient fort built by the Spaniards, with a square tower twenty feet high and deep ditch around it. Built with stone brought from St. Anastatia's Island. Forbes's *Florida*, 81. In the Report of the Com. of the General Assembly, 1740, Picolata is said to be but fifteen miles from St. Augustine. By U. S. Survey, about eighteen miles. [2] Stevens's *Hist. of Georgia*, vol. I, 160, 162.

His next step was to inform Lieutenant Governor Bull, by letter of the 26th of September, of these measures, and to express the hope that the people of Carolina would give the necessary assistance to enable him at once to take St. Augustine before troops arrived there from Cuba. On the 6th of October, 1739, he wrote, informing Governor Bull of fresh advices he had just received from England, and incidentally expressing the hope that the Assembly would come into his plan of taking this favorable opportunity of getting rid of their neighbors at St. Augustine. He writes again on the 20th, he should do the utmost in his power for taking St. Augustine before succors could come from Spain: "If we do not attack, we shall be attacked. I hope for your assistance with the Assembly, and should be glad to hear from you."[1] These letters were received while the people in South Carolina were in a state of consternation because of the insurrection of the negroes which had broken out, and the extent of which was not yet known, nor yet whether it had been entirely suppressed. In the town, yellow fever was raging, and many principal citizens sickening and dying of it. The perils and troubles at home were nearer and more pressing than those at St. Augustine.

When the General Assembly met, Lieutenant Governor Bull communicated these letters to the two Houses, and a joint committee was at once appointed to take them into consideration. On the one hand, the great advantages which would accrue to the province by the reduction of St. Augustine were self-evident; but, on the other, the Carolinians had already had some experience in relation to St. Augustine, and realized more fully than did Oglethorpe the difficulties of the undertaking. Three times

[1] Report of Com. of G. A., 1740, on St. Augustine Expedition. *Coll. Hist. Soc. So. of Ca.*, vol. IV, 20, 21, 138.

already they had invaded Florida, and twice they had driven the Spaniards into the walls of the castle; but on neither occasion had they been able to take the fortress. They did not wish to undertake another attempt until preparations had been made, which would insure its success. The present time was most inopportune, the colony had been greatly reduced by smallpox and yellow fever, and the disturbed condition of the negro population was a source of great anxiety. Could they afford at this time to be sending away a large force — and a large force they knew was necessary for the reduction of St. Augustine? But, notwithstanding these doubts and difficulties, the committee found themselves not left entirely free in their consideration of the subject. General Oglethorpe had, at the outset, committed a great mistake — a mistake arising from his ignorance of the Indian character and want of experience in their modes of warfare. His attempt to raise the Cherokees and the Creeks before his own forces were ready, was premature and most unwise. The committee, who understood the Indians, found themselves in the dilemma of being unprepared for immediate action, and yet, realizing that if the Indians came down and found them not ready for war, the chances were that they would join the Spaniards and turn upon the colonists. At best, it would render it probably impossible ever after to prevail with the Indians to join them again. The Creeks, they had reason to believe, were already wavering. Probably influenced to a large extent by this consideration, the committee determined to recommend that if General Oglethorpe would communicate his scheme to the General Assembly, and make it appear to them that there was a probability of success, that the province would give him the best assistance they reasonably could. This report of the committee was agreed to by both Houses, and at once

communicated to General Oglethorpe by the Lieutenant Governor. The General, on the 29th of December, 1739, sent in his estimate of what he thought reasonable and necessary for this province to furnish. In this estimate he did not mention the number of men, but it was understood that he expected a force of six hundred. He mentioned that he could march four hundred of his regiment, and leave a sufficient garrison behind him; that he had ordered eight troops of twenty men each to be raised, though he had got but twelve horses for them; that he would have one thousand Indians; that the Cherokees had promised to be down in March, and the Creeks he expected at the same time. The General went at length into the inducements which presented themselves for immediate action. He did not allude to that, however, which had the most influence with the committee, namely, that he had already practically committed them by bringing out the Indians before consulting them.

On the 4th of February, 1739–40, the Lieutenant Governor sent to the House two other communications from the General, in one of which, dated the 23d of January, he informed his Honor of the capture of the two forts, Picolata on the east side of the St. John's, and St. Francis on the west; and in the other he stated that from prisoners he had learned that St. Augustine had been greatly strengthened, and urged that the longer the attack was delayed, the stronger it would be. He accompanied this letter with another estimate of the assistance he desired. The Assembly having considered these estimates found that the cost would be £200,492.10, which they could not then afford, but agreed that if the General would certify to the Assembly that there was a probability of success at an expense of £120,000, the province would furnish that sum. Upon learning of this General Oglethorpe, having

posted his forces in such a manner as to secure the frontier during his absence, came to Charlestown on the 23d of March to confer with the Governor and Assembly. On the 29th he sent in a communication accepting the offer of assistance to the amount of £120,000, as that was all that could be done, and stating that with that sum he would undertake the attempt, and that Captain Pearce of the Royal Navy had assured him that if they were ready in fourteen days he would assist the undertaking. This the committees of Assembly were unanimously of opinion was impossible, and, understanding that the enterprise would not otherwise be undertaken, requested the General to state what supplies would be necessary to keep the war on the other side of the St. John's River. But Oglethorpe was persistent in his purpose for an immediate attack upon St. Augustine, and a conference was held, at which the General, Captain Pearce, in command of his Majesty's ships in these parts, and Captain Warren, also of the navy, with many members of the two Houses, were present. At this conference General Oglethorpe represented to the committee that he had private intelligence from St. Augustine that the place was in great want of provisions; that it was certain that a great part of the garrison would desert to him as soon as he should appear there; and that he did not doubt making himself master of the town the first night. That the great number of women and children who would be forced into the castle must necessarily distress the garrison, which, being immediately followed by throwing in several bombs, would undoubtedly produce a speedy surrender. Captain Pearce promised to give all the assistance in his power to the enterprise, declaring that he would answer for it, the place would have no relief by sea, and that "they ought all to be hanged if they did not take it in a very short time."

These were fresh and strong inducements, says the Report from which we quote: here was a scheme that appeared rational and highly probable of being attended with success. It readily occurred to the committee what glorious success had often crowned attempts of such a nature merely from their suddenness and vigorous execution. They had the examples of Colonel Daniel and Colonel Palmer, who, though not bred soldiers, yet led on by their own courage, happily effected all sudden attempts which they made. In this they were to have a general who professed to have learned the first rudiments of war under Prince Eugene, a regiment of King's Troop, five men-of-war certainly, viz.: the *Flambourgh*, Commodore Pearce; the *Squirrel*, Captain Warren; the *Phœnix*, Captain Transhaw; the *Tartar*, Captain Townshend — all twenty-gun ships; the *Spruce Sloop*, Captain Lanes; and three more expected in time, viz.: the *Colchester*, Captain Simonds, of fifty guns; the *Hector*, Sir Yelverton Peyton, of forty guns; and the *Wolf Sloop*, Captain Dandridge, also a large body of Indians besides their own forces. Induced by these reasons, and fired also with some ambition of sharing in the glory of his Majesty's arms, the committee recommended to the House to assist General Oglethorpe in making an immediate attack upon St. Augustine. Both Houses and the General having come to agreement as to the assistance to be given, an act was passed for the purpose on the 5th of April. Commissioners were appointed to borrow £2000 sterling and to stamp and sign orders to the amount of £25,000 currency for defraying the expenses of the expedition. A regiment of four hundred men was raised to serve for four months instead of three, as the General had last proposed. In addition to this the regiment, at the request of several gentlemen of position in the country, offered their

services. Lieutenant Governor Bull commissioned Richard Wright[1] to command them with instructions to obey the General in all times of action. This company consisted of forty-seven men, viz.: thirty-two gentlemen, fifteen country born, expert, trusty negroes, and with these served eight settlement Indians. Lest the force should not prove sufficient, an additional two hundred men were authorized for the regiment.

It was stipulated by General Oglethorpe that the Carolina regiment was to be deemed auxiliary to him, and as a distinct body belonging to the province of South Carolina, subject to the orders of its government. That in councils of war the officers of this regiment should have equal votes with the officers of the same rank in General Oglethorpe's regiment, but should give place and precedence to his officers of the same rank. That offences committed by any of the South Carolina troops should be punished by the officers of their own regiment only. That the plunder taken should be distributed by a council of war consisting of officers of the Carolina regiment as well as of officers of Oglethorpe's. It was expressly provided that negroes who had deserted from South Carolina and who might be recaptured were not to be deemed plunder, but should be returned to the Governor of South Carolina, for which salvage should be allowed the captors.

The officers of the regiment were Alexander Vander Dussen, Colonel; Francis Le Jau, Lieutenant Colonel; and Charles Colleton, Major. Little is known of Colonel Vander Dussen before this time. He had been in the colony as early as 1731, for he then owned lands, and in 1734 was on the Commission of the Peace. At this time he was a member of the House of Commons for St. James,

[1] Richard Wright was a son of Chief Justice Robert Wright, who had died the year before of yellow fever.

Goose Creek. Like Oglethorpe, he had probably seen service in foreign wars, and was esteemed in consequence a soldier of experience. It was on this account, it is supposed, that he was given the position; for there is no reason otherwise why he should have been placed in command of the regiment.[1] Lieutenant Colonel Le Jau was the son of the Rev. Francis Le Jau, who had been sent out as a missionary by the Society for the Propagation of the Gospel in 1706, and was the minister at Goose Creek.[2] Major Charles Colleton was the son of Charles Colleton, a member of the Proprietor's family of that name.

The forces agreed to be furnished were completed within a month from the passing of the act, sooner than was expected, and were dispatched to the General at Fort George from time to time as they were raised.

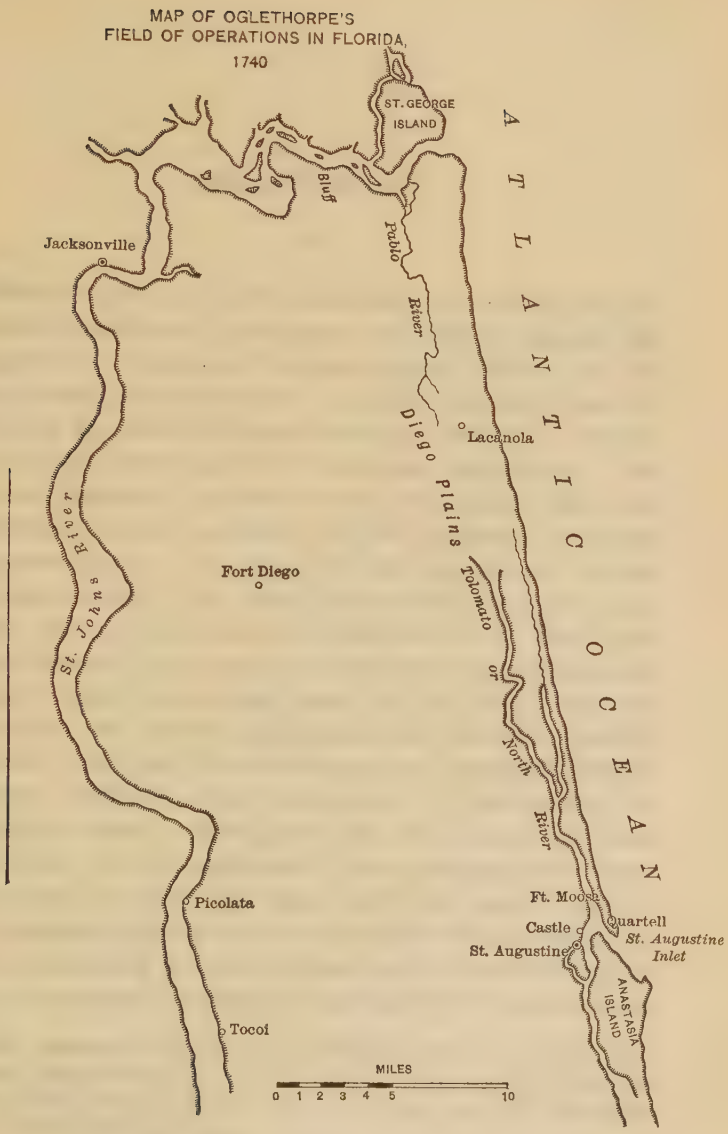
Governor Bull, besides the men thus furnished, purchased a large schooner with fourteen carriage guns and twelve swivels, which might go where the men-of-war could not. She was manned with fifty-four men, and in order to make her as serviceable as possible, he gave the command of her to Mr. Tyrrel, Captain Warren, Second

[1] Colonel Vander Dussen continued a member of the Commons for many years, and was subsequently one of the King's Council. He died in 1759, in England, leaving no family here. He lived in great style in a house built by him at Goose Creek, which, after his death, was deserted and said to have been haunted. The probability is that it became the resort of runaway negroes who were interested in spreading the report. It was a common thing to hear negroes say, "If you go there Old Bandison will catch you." He is said to have been a severe master; hence probably the negro saying. The house was afterward rebuilt and occupied by William Johnson of Revolutionary memory, who reared there a large family of children and grandchildren, undisturbed by ghosts. Among them were the Hon. William Johnson, Associate Justice of the Supreme Court of the U. S., another the late Edward McCrady, the father of the author of this work. *A Day on Cooper River*, J. B. Irving, 21–23.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 439–458.

Lieutenant, with directions to obey the orders of the commodore. He furnished also twelve eighteen-pounders for the armament of the expedition.[1] Colonel Vander Dussen embarked on the 9th, and set sail on the 12th for Florida. Having made these preparations, Lieutenant Governor Bull, on May 17, issued his proclamation setting apart and appointing Wednesday, the 28th, to be observed as a day of fasting and humiliation by the several ministers and the congregations throughout the province to implore the blessing and assistance of Almighty God in their endeavors against his Majesty's enemies.[2]

[1] Report of Com. *Coll. Hist. Soc. of So. Ca.*, vol. IV, 31.
[2] *So. Ca. Gazette*, May 17, 1740.


MAP OF OGLETHORPE'S
FIELD OF OPERATIONS IN FLORIDA,
1740
ST. GEORGE
ISLAND
BLUFF
Pablo
River
Jacksonville
ATLANTIC OCEAN
Diego Plains
Lacanola
St. Johns River
Fort Diego
Tolomato or
North River
Ft. Moosa
Quartell
Castle
St. Augustine
St. Augustine
Inlet
ANASTASIA
ISLAND
Picolata
Tocoi
MILES
0 1 2 3 4 5 10

MAP OF OPERATIONS IN FLORIDA
1840

CHAPTER XII

1740

THERE has been much controversy concerning the expedition conducted by General Oglethorpe against St. Augustine. It resulted in ignominious failure, and his panegyrists have endeavored to shield his fame from the effects of the disaster by attributing its results in various ways to the faults of the Carolinian auxiliaries. The General Assembly appears to have anticipated this, and immediately upon the return of their regiment instituted an investigation. A committee was appointed for this purpose in July, 1740, which consisted of the most intelligent and respectable men of the province.[1] This committee devoted near twelve months to the subject, and in their report, which was made in July, 1741, they incorporated the official correspondence between General Oglethorpe, Colonel Vander Dussen, and the naval officers, together with the sworn statements of the persons examined by them. Strange to say, this report has lain mouldering in the archives of the province and State, while the discussion has been carried on and historians have espoused the one side or the other without reference to the record and testimony taken at the time for the purpose of preserving a truthful account of the unfortunate

[1] The committee consisted of the Attorney General, Colonel Miles Brewton, Major William Pinckney, Messrs. Dart, Mazyck, Drayton, Motte, Elliott, Captains Hyrne, Morris, Austin, Hon. John Fenwicke, John Colleton, Edmund Atkin.

expedition. The report has, however, recently been published in full,[1] and the historian of to-day has, to aid him in forming his conclusions, this document, which at least gives the carefully prepared statement of the Carolinian side of the controversy.

The St. John's, or St. Juan's, River, as it was first called, taking its rise somewhere near the latitude of 27 degrees, flows directly north until it reaches the site of the present city of Jacksonville, where it turns abruptly east, emptying into the ocean about ten miles from the point at which it makes its turn. The eastern coast of Florida is thus made into a secondary peninsula, cut off, as it were, from the great peninsula which forms that territory.

Two rivers, which run close along the coast, take their rise in the Diego Plains some twenty-five miles from the point where the St. John's empties into the ocean; one of them, the River Pablo, or Pablo Creek, runs north, parallel with the coast and with the St. John's, into which it flows after that river has taken its eastern turn to the sea; the other, the St. Mark's, now known as the North or Tolomato River, runs south until it unites with the Matansas River in front of St. Augustine. The ridge which divides these rivers, then known as the Diego Plains, afforded the most luxuriant pasture for cattle, and presents an extensive view of meadow, a vast expanse of perpetual verdure interspersed with clusters of small-topped trees surrounding swamps, the sea in front to the east, and an intermediate line of sand hills in the rear to the west. The St. Mark's or North River is navigable for small craft nearly to the plains, and a ditch or canal of five miles would connect it with Pablo River, and thus form a continuous inland waterway from St. Augustine to the mouth

[1] See *Coll. Hist. Soc. of So. Ca.*, vol. IV, 1–178.

of the St. John's.[1] St. Augustine is situated about forty-five miles below the mouth of the St. John's, at a distance of about three miles from the sea. The castle was built of soft stone with four bastions, a curtain 60 yards in length, parapet 9 feet, rampart 20 feet high, casemated and arched over, with bomb proofs — at this time just made. The fort had 50 pieces of cannon mounted on it, 16 of which were brass, and some twenty-four pounders. The town was intrenched with 10 salient angles, on each of which were some cannon. The Spanish forces in Florida consisted of 1324 men besides militia and Indians.[2]

On the east side of the St. John's, twenty miles from St. Augustine, was the ancient Fort Picolata, built by the Spaniards, with a square tower thirty feet high and a deep ditch around it, which Oglethorpe had taken and burnt in December. A road ran up the eastern peninsula between the St. John's and the sea from St. Augustine to St. Juan, which was the northernmost settlement of the Spaniards on the east coast of Florida, and which was situated on the southern bank of the St. John's River. Fort St. George, which Oglethorpe had built, and which was indeed the present cause of the Spaniards' anger, was just opposite St. Juan, the width of the river between the two points being nine miles.[3] Fort St. George was the place fixed upon for the rendezvous of Oglethorpe's forces, but no definite time was determined upon. As

[1] Forbes's *Florida*, 78–83.

[2] *Gentleman's Magazine* for 1740, vol. X, 242: one troop of Horse, 100; one company of Artillery, 100; three independent companies of Old Troops, 300; two companies of the Regiment of Asturias, 106; one company of Valencia, 53; one company of Calatoma, 53; two companies of Cantatria, 106; two companies of Marcia, 106; armed negroes, 200; white transports for labor, 200; militia of inhabitants, Indians, the number uncertain.

[3] Roberts's *Hist. of Florida* (London, 1765), 25; Forbes's *Florida*, 75, 77.

the General Assembly of South Carolina, uneasy about the negroes at home, had refused to allow many of the men of the province to leave at this time, and to fill the regiment had depended upon recruiting in North Carolina and Virginia, much time was lost in organizing the expedition.

It was understood and stipulated that Colonel Vander Dussen was to be taken into consultation upon the conduct of the campaign, and in such consultation Captain Pearce, it was also supposed, would take part, but Oglethorpe paid little attention to this condition. On the 9th of May he inaugurated the campaign, without consulting or advising with either Colonel Vander Dussen or Captain Pearce. It will be recollected that one of the reasons which he urged upon the Carolina government for action at this time was that he had taken and destroyed the fort at Picolata, and thus commanded the St. John's River. The road to St. Augustine, it was represented, was by the way of Picolata, but fifteen or twenty miles distant from that point, whereas the way from St. Juan, opposite Fort St. George, was forty-five miles long, over a rough, sandy road, upon which artillery and provisions could be transported only with the greatest labor and difficulty, as the expedition was without horses, and the guns had to be hauled by the men, and upon which there was great scarcity of water, nor was that good which was to be had. With the large naval force at hand upon which he could call for assistance; with the sailing craft furnished by South Carolina, viz. three sloops, fourteen schooners, and deck boats armed with swivel guns, besides his own craft, — it was supposed he could safely and expeditiously have transported his whole force, when collected, down the St. John's to Picolata within an easy day's march upon good roads to the point of destination, which he would thus assail in the rear, while the navy, which Captain

Pearce had assured the committee of the Assembly would prevent any relief by sea, would carry out that promise. This was the plan, the committee say, which was urged upon General Oglethorpe while in Charlestown; nor had he forgotten it, but, as he informed Colonel Barnwell, he did not approve it, lest the leaving the sight of the men-of-war should discourage his men.[1]

Deciding upon the long march down the peninsula between the St. John's and the sea, on the 9th of May, 1740, General Oglethorpe, with what forces had just then arrived at Fort St. George, the general rendezvous agreed on, passed over from thence into Florida and encamped opposite on the Spanish side of the St. John's River. This force consisted of about 220 men of his own regiment, including an Independent Highland company, 125 men of the Carolina regiment, being the first detachment, under the command of Captain Lieutenant Maxwell and Ensign Blamyer, and 103 Indians, of which nine were Creeks, the rest Cherokees, there being no field officers of either of the regiments present. The Indians, sent out to reconnoitre the country, brought in a negro prisoner late at night, and gave an account of a fort they had seen about halfway to St. Augustine. Leaving the sick, a number of whom there were already, twenty of his own regiment,

[1] Report of Com. G. A. *Coll. Hist. Soc. of So. Ca.*, vol. IV, 119. This Colonel Barnwell was Nathaniel Barnwell, son of Colonel John Barnwell, who was serving General Oglethorpe as a volunteer aid. The plan of campaign, by the way of the St. John's River, landing at Picolata and attacking the castle from the rear, was that which had been so successfully pursued by Colonel Daniel in 1702, and which then only failed because Colonel Daniel was abandoned by Governor Moore, who had come by sea. *Hist. of So. Ca. under Prop. Gov.* (McCrady), 381. In this respect, the circumstances of the two disastrous expeditions, that of 1702 and that of 1740, were alike. In both cases the expedition failed because abandoned by the naval forces.

and twenty five of the Carolinians, under the command of an ensign, to guard the transports, consisting of two of his own sloops and four of the Carolina schooners, on board of which were the ammunition and provisions, and taking with him a four-pounder and some swivel guns, Oglethorpe on the morning of the 10th marched out of the camp, with two hundred of the King's troops, one hundred Carolinians, and one hundred Indians, with six days' provisions, to attack the fort which the Indians had found. He encamped that night at Lacaweld,[1] or Lacanola, the first palmetto hut on the sea-beach, about sixteen miles distant, where he was obliged to leave his guns, the sands being deep, and having no horses to draw them. From Lacanola he dispatched Lieutenant Maxwell with a party of regular troops and of Carolinians, and one Mr. Brown with a party of Cherokees, to invest the fort, which was about nine miles farther. On the 11th this party, at break of day, attacked the fort, and burnt a house near by, but were obliged to retire from the Spaniards' fire. The General came up about two o'clock in the afternoon with the rest of the troops and surrounded the fort. The next morning he sent in a Spanish prisoner with a drum to summon the garrison, which thereupon offered to treat. It was necessary, however, to consult the troops before he could propose the terms he desired to offer; for it had been stipulated that plunder should be distributed by councils of war, of which the officers of the Carolina regiment should be members. The consent of all interested was, however, readily given, and the garrison surrendered as prisoners of war upon the condition that their baggage should not be plundered; that Seignior Diego Spinola, to whom the fort belonged, should

[1] Lacanola was situated on the ridge of the Diego Plains, which extend to the sea, and was thus near the head waters of the Pablo River on the one hand, and the St. Mark's on the other.

hold his slaves and other property which had not already been plundered in the field; but that no deserters nor negro runaways from Carolina should have benefit of the capitulation. The prisoners thus taken consisted of about fifty men, some of whom were negroes, and Don Diego Spinola himself, who was a mulatto. Lieutenant Dunbar of the General's regiment, and Lieutenant Saussure[1] of the Carolina regiment, with a party, were detailed to take possession of the fort, and found there nine swivel guns and two carriage guns of two-pound shot, beside small arms. This place, which bore the dignified name of Fort Diego, was really nothing more than a cow-pen belonging to Don Diego Spinola, who kept there a large stock of cattle on the fertile plains which derived their name from his. From this stock Diego supplied the garrison at St. Augustine with cattle, on which account the Governor of St. Augustine allowed him a guard of a sergeant and sixteen men to protect his stock from the Indians. This guard was released weekly, and it happened that the relieving party had come in the night before, and thus there were twice the usual number of soldiers present when the place was attacked and surrendered. The place was important as a source of supply to the garrison at St. Augustine, which was thus broken up, and as a resting-place between the St. John's and St. Augustine, if this was to be the route of the expedition, as it was about halfway between the two points, and near the head waters of the St. Mark's River, which afforded an inland watercourse for small craft to St. Augustine. The capture of this station was magnified into a great victory — the taking of a fort.[2] It was a small affair, of consequence only from the foregoing considerations. There was an unfortunate consequence

[1] This was Henri De Saussure, the emigrant and founder of the family of that name in South Carolina. [2] *Gentleman's Magazine*, vol. X, 575.

attending it, and that was the favor into which the mulatto, Seignior Diego, ingratiated himself with the General, which was soon to alienate his Indian allies; and by Diego the General was to be ultimately betrayed.

Leaving Lieutenant Dunbar with a garrison of fifty men in the fort, around which he had marked out an intrenchment, the General returned to St. John's, directing the rest of the party to follow him leisurely with the prisoners. In the meanwhile the rest of the forces were slowly gathering at Fort St. George. By the 18th of May Colonel Vander Dussen, Lieutenant Colonel Le Jau, and Major Colleton had arrived with another part of the Carolina regiment. On the afternoon of the 20th the General ordered a beat to arms, and upon Colonel Vander Dussen inquiring the cause, was informed that the Spaniards had sallied out to recover Fort Diego, and had actually invested the place. Major Herron of the General's regiment was sent forward immediately with fifty men, and the rest were ordered to march at break of day on the 21st. Diego, whom the General had set at liberty, had obtained an agreement from him that all his cattle that should be killed should be paid for at the same price as the King of Spain had paid for the use of them by the garrison at St. Augustine, and he was himself employed to go out with his people to hunt for cattle, which were also to be paid for at a certain price per head for all delivered. Diego was thus employed independently, and in opposition to Captain William Palmer, who with ten Carolinians had been engaged for this service. An order was also published forbidding any person to purchase horses from the Indians, so that not even the officers of either regiment could have any to carry their baggage.

On the morning of the 21st the General marched out with all his forces, excepting two companies, one of his

own and one of the Carolina regiment, which were left as a garrison at the St. John's. The day was intensely hot and the march over the sands most arduous and fatiguing. One hundred men fainted and dropped by the way from heat and want of water. Two of the General's regiment died. Both regiments halted at sunset at Lacanola. The General himself, with the Highland company, hurried on, overtook Major Herron, and arrived in sight of Fort Diego before sunset, only to find the information upon which the hurried march had been made to have been mistaken. The rest of the troops came later during the night, dragging the gun which had been left there in the sand a few days before, having had Diego Spinola for their guide under the General's direction. The distance was but nine miles; but Diego was in no hurry to get them to the fort; so, taking them out of the way, he marched them about until one in the morning. In the meanwhile the prisoners taken at Fort Diego were carried to the St. John's; but being very loosely guarded, some of them escaped; the rest were put aboard the man-of-war.

It is difficult to follow General Oglethorpe in all his movements at this time. His course was most erratic. Without apparently any well-considered and determined plan, he raced up and down the peninsula of forty-five miles between the St. John's and St. Augustine, to the dismay and disgust of his officers and the breaking down even of the Indians. On the 21st, taking with him Colonel Vander Dussen, Lieutenant Colonel Cook, and Captain Norburry on horseback, a few Highlanders, and some Indians, he proceeded to make a personal reconnoissance to St. Augustine, twenty miles distant. With such speed did he travel, notwithstanding the great heat of the weather, that the Indians gave out before they got halfway; then the Highlanders dropped by the way, one

of them dying. Lieutenant Colonel Cook and Captain Norburry, both elderly men, faint from heat and want of water, were ordered back. Colonel Vander Dussen and Major Herron kept up, however, with the General, and reached a point within three miles of St. Augustine, in sight of the Island Anastatia. Having viewed the ground, without resting, the party returned to Fort Diego that night, having left their horses, at last unable to carry them. The next day, the 22d, the General was off again to the camp at St. John's, whither Lieutenant Colonel Cook had gone before to look after ammunition and provisions. Three or four days were spent between the St. John's and Fort Diego, with marching and countermarching. Then two of the Spanish prisoners taken at Fort Diego were sent by the General to St. Augustine with letters to encourage the men of that garrison to desert, and promising them good usage. They naturally, however, preferred the company of their own friends to that of the General, however well entertained by him they had been, and did not themselves return. They of course carried full and accurate accounts of the small numbers and the confused condition of affairs in Oglethorpe's camp to the Spanish garrison.

On the evening of the 27th the General began another reconnoissance to St. Augustine, this time with some force. Taking with him one hundred men of his regiment, and Lieutenant Jonathan Bryan with six of the gentlemen volunteers from Carolina, and a party of Indians, and marching all night, he came about daybreak within five or six miles of St. Augustine, and seeing smoke from some scattered houses, he ordered Lieutenant Bryan with the six Carolinian volunteers to attack them. This the volunteers promptly did, entered and searched the houses, and brought back two negro prisoners, who turned

out to be runaways from Carolina. "Well," said the General, "I see the Carolina men have courage, but no conduct." To which Lieutenant Bryan replied, "Sir, the conduct is yours." The volunteers proposed to burn the houses, but this the General refused to permit, saying they would serve for the inhabitants he proposed to bring there. Then a difference arose about the disposition of the negro prisoners. The negroes, belonging to Carolinians, were under the stipulations returnable to their owners upon paying five pounds sterling per head to the captor. The volunteers proposed to pay one-half salvage and keep them, or to receive one-half salvage and give them up. It does not appear what authority the volunteers had for this proposed modification of the stipulations, but the General solved the problem by refusing either proposition and retaining one negro himself. There were other causes of offence: the General had taken from the volunteers horses they had caught to carry their baggage; and although cattle were very plentiful, they could obtain no fresh meat, he requiring that Diego Spinola should be paid for all cattle killed. The party returned to Fort Diego late on the night of the 29th in no good humor.

Colonel Vander Dussen in the meanwhile having superintended the transportation of provisions in boats by way of Pablo over to the Palmetto Hut, marched on the 29th from the camp at St. John's, leaving nothing there but the transports and provisions. At Fort Diego General Oglethorpe reviewed the part of the Carolina regiment that had arrived, when it was found by the Field Return that there were 378 men present, besides field officers, volunteers, and cadets.

A considerable defection of Indians took place about this time. A party of the Creeks led by Thomas Jones, a half-breed, who was employed as an interpreter to the Creeks

and Euchees, tired with constant fatigue in ranging day and night for nearly three weeks, going only backward and forward, and disheartened that there was no prospect of attacking St. Augustine, left and returned home. Jones himself, however, came back. The General had ordered Jones to keep out constantly scouting, watching the enemy, and taking prisoners, but positively enjoined him not to allow the Indians to destroy any houses. Jones warned him that the Indians would soon tire of that way of proceeding, for they loved to go and do their business at once and return home. To which the General had replied that if they had a mind to go, to let them go. The Cherokees also grew weary and dissatisfied because the General had showed anger because of their killing some of Diego's cattle. Cæsar, one of the head men, said it was a strange thing that they were permitted to kill the Spaniards but not their cattle, and threatened to carry all his men home.

Three weeks had now been spent in marching to and fro, from St. John's to Lacanola, from Lacanola to Fort Diego, from Diego to St. Augustine. An advance upon the fortress with all his force was now determined upon, and in the evening of the 31st the movement began. The General marched out of his camp with three hundred men, including the Highland company and rangers, with the Indians, taking a four-pounder drawn by soldiers, and for a guide a Spanish negro styled Captain Jack, who had deserted from St. Augustine, or had pretended to have done so. Colonel Vander Dussen followed with about four hundred of his regiment, including volunteers and cadets. The march was tedious, and at one o'clock in the morning the army halted, having marched about twelve miles. On the 1st of June the march was resumed with like difficulties. Before day on the 2d they reached a point within

two miles of St. Augustine, where the path divided, the way leading to the right to the castle, and the other to the Fort Moosa. The army moved a little way to the left, where it halted.

At General Oglethorpe's request Colonel William Palmer, the boy hero of 1715, and the brilliant and successful leader of the invasion of 1727, had accompanied him as a volunteer aid. On the march Colonel Palmer had proposed to the General that upon their arrival he should allow him, with a party of the Carolinians, at once to attack and burn the town, which would force the inhabitants into the castle, and thus compel a surrender for want of provisions. This, it will be recollected, was the plan which Oglethorpe himself had proposed to the committee of the General Assembly of South Carolina when he was appealing to that body for assistance; but strange to say, now that the opportunity offered, he hesitated. Upon reaching Fort Moosa Colonel Palmer again offered to go in at the head of two hundred Carolinians and a party of Indians and burn the town. The General refused the offer, saying it was too hot-headed and hazardous an action; that he knew what to do; that it was the custom of armies to show themselves to the enemy first, and make a feint.

At daybreak Fort Moosa, which had been abandoned, was entered. This fort, about twenty miles from Fort Diego and about two from St. Augustine, was in the middle of a plantation. It was a square work with a flanker at each corner, banked round with earth, having a ditch on all sides lined with the prickly palmetto or Spanish bayonet. It had a well and house within and a lookout. As soon as the forces were perceived from the castle, a fire was opened upon them. At eight or nine o'clock General Oglethorpe with Colonel Vander Dussen reconnoitred and ordered a party with drums to advance

and to beat the Grenadier's march; which being accordingly done, was answered at once by the cannon from the castle. The General and Colonel Vander Dussen found the castle a regular fortification and very strong, with many new additions, and agreed that it would be impracticable to attack it upon that side without materials they could not bring by land, but they observed that Point Quartell, which lies on the north of the bar and separated from the negro Fort Moosa by the St. Mark's River, would be a very fit place to establish a battery and open communication with the men-of-war. While this reconnoissance was going on, however, Lieutenant Bryan of the Volunteers, with three or four rangers, made a dash to the town and brought off three horses. He found and reported the town in the utmost tumult and confusion, the inhabitants screaming and crying, and he too urged Oglethorpe that this was the time to attack the town; that if he failed to do so now, the Spaniards would make preparations against his return; but the General replied that if he attempted to storm the town he would lose three hundred men. The army was all ready and anxious for the assault; they only asked to be led. Deserters, too, reported that the government had ordered the inhabitants, in case of an attack, to retire to the castle. But Oglethorpe would not allow the attack to be made. In the dark of the evening he went out again with 150 men and a great many drums, beating marches. Then breaching the walls of Fort Moosa, taking away the gate, and burning the house in the fort, he turned back again, and, as he reported, marched with drums beating and colors flying, reaching Fort Diego before sunset on the 3d of June.

Dissatisfied with the treatment they had received, disappointed in their expectation of attacking St. Augustine, and uneasy at the condition of affairs at home, all

the Carolina volunteers, except Colonel Barnwell, who was acting as an aid to the General, and one other, determined to return home, and on the 5th went to St. John's for the purpose; but there meeting with Captain Wright and the rest of the company, just arrived, they proceeded no farther in the homeward direction, but joining their new comrades returned to duty.

The *Tartar* man-of-war now came to anchor off the Palmetto Hut, to water, and deliver a letter from the commodore to General Olgethorpe, whereupon Colonel Vander Dussen was ordered to march with the Carolina regiment to take possession of Point Quartell, which he did that evening, with no more provisions than were sufficient for the next day, and for want of horses, these and the tents were carried by the men. The regiment proceeded down to the sea, and then marched along the beach, reaching Point Quartell at about six o'clock on the morning of the 6th. This point was at the extremity of the tongue of land between the sea and the St. Mark's River. It was in sight of the castle and supposed to be within cannon shot; the regiment was therefore placed behind a range of sand hills, which offered protection. Lying in sight off the bar were four men-of-war, the *Flambourgh*, *Hector*, *Squirrel*, and *Phœnix*. There was a demonstration that afternoon on the part of the Spaniards. Their galleys came out as if to attack, and opened fire, but their shot fell short, and upon Colonel Vander Dussen moving his regiment to meet them, they retired under fire from the castle. There were no casualties.

The guns of the castle told the commodore, Captain Pearce, of the arrival of the regiment, and he at once sent a communication to Colonel Vander Dussen, giving the resolution of a council of war which had been held by the commanders of his Majesty's ships off the bar of St. Augus-

tine, which he desired Colonel Vander Dussen at once to forward to General Oglethorpe. This communication, which was forwarded as desired, informed the General that the naval council of war had unanimously decided that they could not stay longer than the 5th of July, because of the hurricane season, and that in case the easterly winds set in, they must depart sooner. That if General Oglethorpe would besiege the fortress, they would, however, spare two hundred men to attack and take possession of the Island of Eustatia, or Anastatia, which they regarded as necessary to the reduction of the castle, as it would cut off communication by the sea, and which would render the presence of the ships unnecessary till the season of the year would admit of their returning to the service. General Oglethorpe was understood to have expressed himself entirely satisfied with this action on the part of the navy. He sent to the Commodore for two vessels to take him and two hundred of his men to Anastatia Island. In the meanwhile Colonel Vander Dussen, left without provisions and without horses for transportation, was obliged to apply to the Commodore for immediate assistance, and to the General, begging that supplies should be sent him by water; he wrote also remonstrating against the proposed movement to Anastatia Island, as leaving him exposed to the galleys at St. Augustine, and urging the importance of the position he occupied at Point Quartell.

In the meantime General Oglethorpe, still at Fort Diego, ordered a detachment to take position at Fort Moosa. This detachment consisted of Captain McIntosh, with the Independent Highland company of about 60 men, a sergeant and 12 men of his regiment, 23 rangers, viz. Captain Hugh McKay with 11 Georgians, Captain William Palmer (son of Colonel William Palmer) with 10 Carolinians in the General's pay, and Thomas Jones

with 35 Creek and Euchee Indians, making on the whole about 130 men. Captain Palmer was directed to make excursions from Moosa, and Jones was to keep the Indians always scouting. The command of the whole party was given verbally to Colonel William Palmer, though Colonel Palmer was but a volunteer aid to the General without commission. His instructions were to alarm the Spaniards as often as he could and to camp every night in the woods. Colonel Palmer hesitated to take the command under these conditions; he told General Oglethorpe the party was too small, that he should have at least two hundred white men for this post, separated as it was from the rest of the army and within reach of the forces of the castle. Oglethorpe appears to have been irritated at this, and replied shortly that if Colonel Palmer was unwilling to go he would send one of his own officers, upon which Colonel Palmer undertook the command. The General assured him that he would soon reënforce him. The unfortunate party set off for Fort Moosa on the 9th of July, having no more provisions with them than they could carry. Before they departed Colonel Palmer repeated to General Oglethorpe that the force was too small and again warned him, "Sir, you are going to sacrifice these men." Upon which the General again assured him he would send assistance as soon as he had taken possession of the Island of Anastatia.

Soon after they were gone, Oglethorpe marched down from Fort Diego to the sea-beach, and there meeting Captain Bull[1] with another company just arrived on the way to join the Carolina regiment, he at first ordered him to turn aside and proceed to reënforce Colonel Palmer; but he countermanded the order and allowed Captain Bull to proceed to his own regiment at Point Quartell. The

[1] William Bull, Jr., son of the then Lieutenant Governor, at the time Speaker of the Commons and afterward himself Lieutenant Governor.

General then embarked on board the men-of-war with his regiment, consisting of 257 officers and men and 100 Indians.

There was great confusion in the commissariat, if indeed such a department existed in the expedition. We have found no mention of an officer in charge of it in general. Thomas Wright was commissary to the Carolina regiment. This appears to have been one of the causes of the hasty rides of the commanding general from one end of the peninsula to the other. The Carolina regiment had no supplies of food or ammunition. Lieutenant Colonel Le Jau had to be sent back to the St. John's to look after the Carolina transports; while Lieutenant Colonel Cook was engaged in the transportation of a howitzer drawn by fifty men along the beach; the boats meanwhile were lying idle at the St. John's. While Colonel Le Jau was attending to the transportation of these things at the Palmetto Hut, he saw Diego Spinola on horseback there, under no guard, the army's provisions lying protected only by a sergeant and five men. Prisoners and guards were on a like footing.

Colonel Palmer's doomed party arrived at Fort Moosa, and against his orders and entreaties all but the rangers entered immediately into the enclosure and encamped there. Colonel Palmer in vain warned them that the place would prove a grave to them. He urged them to encamp anywhere on open ground, where they could fight with advantage, and not coop themselves up in a dismantled work; but neither McIntosh nor McKay paid any regard to his orders or entreaties. Each built a palmetto house for himself within the fort.

Colonel Vander Dussen and Lieutenant Colonel Cook both disapproved of Oglethorpe's new plan of transferring his regiment to Anastatia Island, and Colonel Vander

Dussen wrote both to the commodore and to the General urging that Point Quartell commanded the harbor, secured communication with the fleet, and afforded a safe position behind the sand hills, from which the castle could be reached by their guns. The movement was notwithstanding carried out. On the 12th of June Oglethorpe landed with what men he had and two hundred sailors, under the command of Captain Warren, and the English flag was hoisted at the lookout upon the island. In the meanwhile Lieutenant Colonel Cook, who had charge of the artillery, had got a howitzer and some guns to Point Quartell. The bed of the mortar or howitzer had not, however, been landed by the vessel in which it was loaded, and some of the gun carriages were deficient. The mortar and the six-pounders had therefore for want of carriages to be placed in the sand, and buried themselves whenever fired. The Spanish galleys came out again and opened fire on the forces on Anastatia Island, upon which Lieutenant Colonel Cook threw a bomb from the mortar on Point Quartell, which burst directly over the castle. This brought on a fire from both sides, which was maintained with great difficulty by Colonel Cook, because of the burying of his guns by recoil at each fire. Ineffectual fires were thus kept up for several days.

And now occurred the catastrophe against which Colonel Palmer had vainly warned and protested, and in which he lost his own life. He had refused to enter the fort and had kept the rangers out of it; he pointed out to Captains McIntosh and McKay that they were in open view of the castle, from which, indeed, their numbers could be counted. He urged that they should camp outside of the fort at night, constantly shifting their position, so that the enemy would not know where to attack them. This was the subject of daily discussion. He wished himself away, as he

had no commission, and his advice was disregarded. He valued his life, he said, no more than they did theirs: but he did not wish to have their throats cut like dogs. No reënforcements having been sent him, Colonel Palmer declared the garrison had been sent to Fort Moosa as a sacrifice.

Some of the rangers returning to the fort about one o'clock on the morning of the 15th reported that they had heard the Spanish Indians dancing the war dance. Palmer knew at once what this meant, and ordered the rangers to lie down and take a nap, while he watched and would wake them when necessary. This he did between three and four in the morning; and seeing all the rangers standing to their arms, he went into the fort and awoke the men there, telling them of their danger and advising them to take to their arms. They laughed at his fears and lay down again. While Colonel Palmer, in great indignation, was standing in the gateway talking with Jones, the advanced sentinel called out that there was a party of men coming. It is needless to go into the details. The small garrison was surprised and outnumbered, but fought desperately; many, aroused from their sleep, were undressed. The assailants, attacking from every quarter, entered sword in hand, and a massacre of the garrison followed. The Indian, Jones, jumping from the fort, joined Colonel Palmer and his two sons, with some of the rangers, who, remaining outside the fort, availed themselves of the ditch, from which they fired upon the Spaniards. This position they maintained until Colonel Palmer was shot from the fort, and crying, "Hurrah, my lads, the day is ours; I have been in many battles and never lost one yet," died. About fifty whites and Indians were killed and upward of twenty taken. Yet, strange to say, not a Carolinian was lost but Colonel Palmer himself. The attacking party was vari-

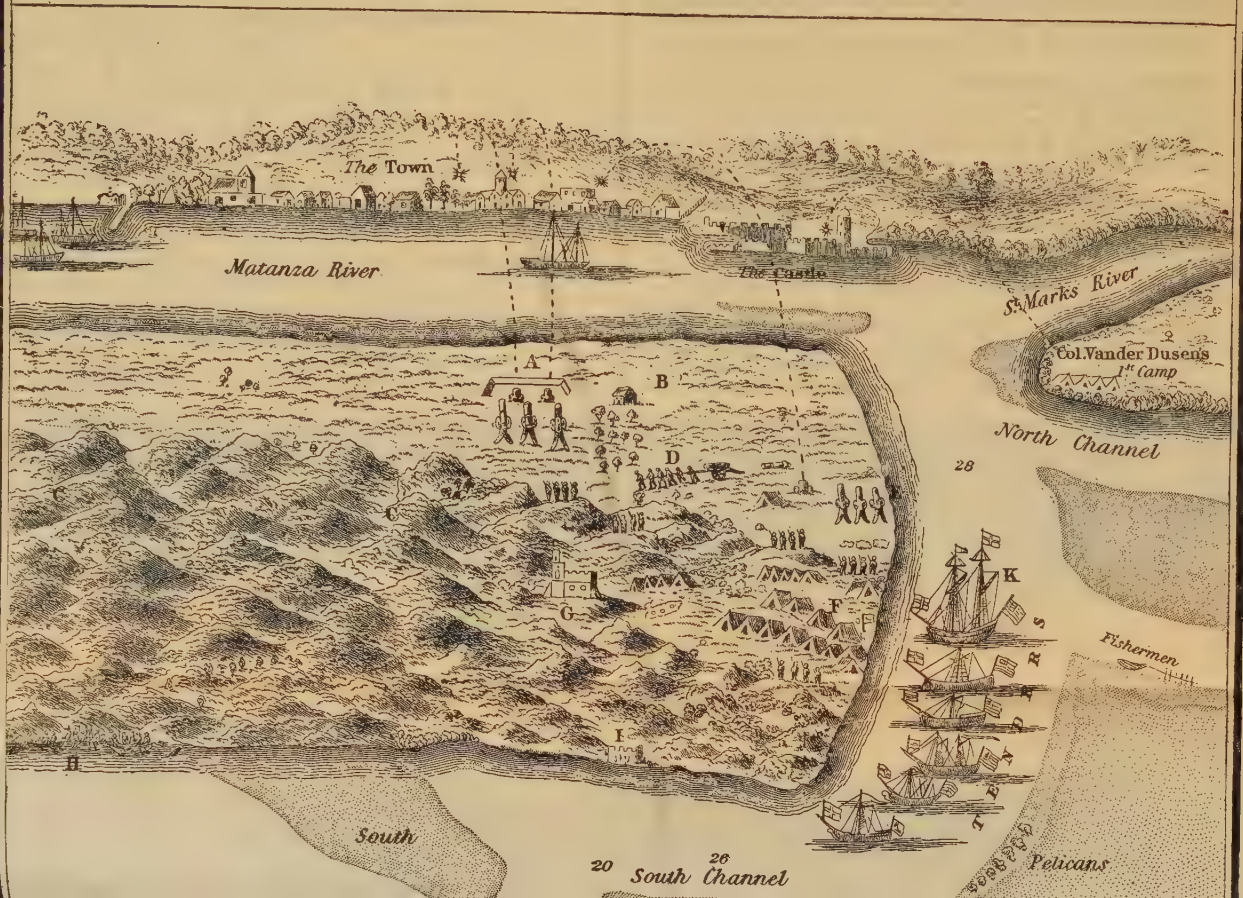
ously estimated from 300 to 450 men, and were said to have lost as many as the English. The Spanish commander of the galleys himself was killed.

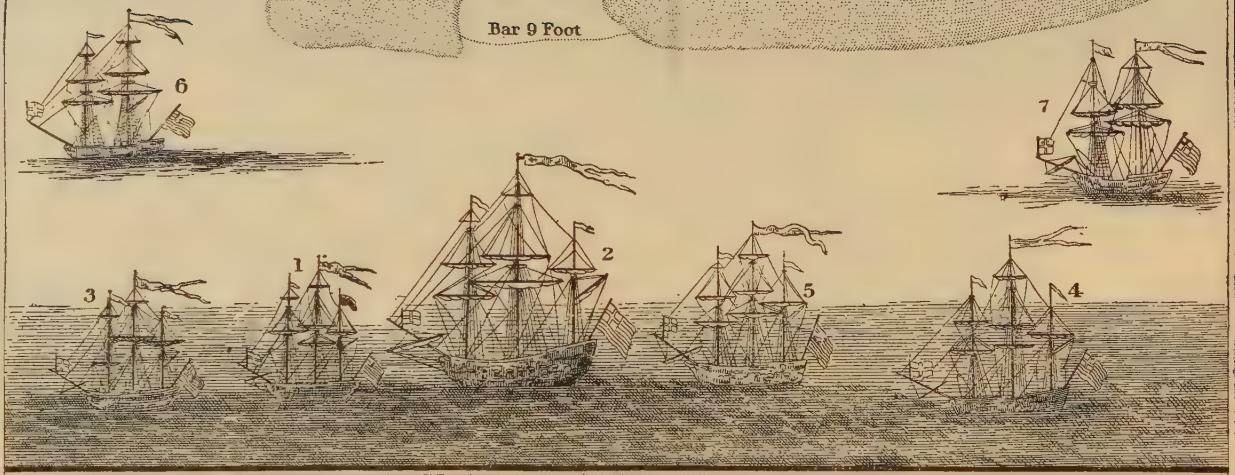
General Oglethorpe landed with his men and the sailors on the 12th, but no progress was made in the erection of batteries. Everything was in confusion. Resolutions were taken, plans determined upon, but nothing carried out. Captain Warren became impatient, complaining that the General had come there without provisions, ammunition, or anything but what he had got from the ships, and threatened to return with his men to the fleet. Colonel Vander Dussen, who had come over from Point Quartell to the island to consult the General, attempted to smooth matters and proposed to the naval officers an attack upon the enemy's galleys, in which he himself volunteered to join; but nothing came of his offer. To his surprise General Oglethorpe now handed him a written order that, leaving a sufficient guard for the defence of the battery, mortars, and cannon on Point Quartell, he should come with the rest of the regiment to the island. Upon his return to Point Quartell Colonel Vander Dussen summoned all his officers, and, laying before them the General's orders, desired their opinions, whereupon the Lieutenant Colonel, Major, and all the captains and lieutenants joined in a respectful protest against the movement, as condemning the small force to be left to a fate similar to that of the garrison at Fort Moosa, and requesting that if the General should withdraw any part of the force on Point Quartell, he would keep the Carolina regiment together. With this paper Colonel Vander Dussen went over again to the island. "Then they refused to obey my orders," said the General, upon perusing the communication. "No, sir," said the Colonel, "that is only their opinion. But if your Excellency still orders me to do it, I will bring

them over." The matter was not further pressed at the time, and Colonel Vander Dussen, finding everything at a standstill, went out to the fleet, and persuaded Captain Pearce, the Commodore, to accompany him to the island for a conference. At this conference a plan of action proposed by the Colonel was agreed upon; to wit, that a battery should be raised with all possible expedition to destroy the galleys, or at least drive them under cover of the castle. That if any of the galleys attempted to escape they should be attacked by the men-of-war's boats. That Lieutenant Colonel Cook should be charged with placing the mortars in position to do the greatest damage. That one-half of the forces, and all the Indians, should be sent over to Fort Moosa to hold the enemy on that side and keep open the communication with Fort Diego. That all the Indians should be carried there, because they were threatening to leave the General, having the insolence to tell him to his face that he was afraid of the Spaniards, and therefore kept upon the island. That a day should be agreed upon for the forces on the island to move down to the south end of the town, and those upon the main at the north end to attack the town sword in hand. It was decided that the General should go over to the main with his troops and the Indians, and that Colonel Vander Dussen should come over to the island to take command there. Orders were accordingly issued for the movement of the Carolina regiment from Point Quartell to Anastatia.

While these movements were being made, deserters came in on the 20th of June, and among other things told that one of the Indians taken at Fort Moosa was to be burnt by the Spaniards, whereupon General Oglethorpe sent a flag of truce demanding the surrender of the castle, and at the same time informing the Governor that if any of the prisoners held by the Spaniards were ill used he would

A VIEW of the TOWN and CASTLE of St. AUGUSTINE. and the ENGLISH CAMP before it June 20, 1740. by THOs SILVER.





A *The English South Trench w.th 3 Founders 18 & 2 small Mortars*
B *A Marsh from whence we played with 20 Cohorns*
C Eustatia Island, *which is chiefly Sand & Bushes*
D *Sailors hawling Cannon in reach of the Castle*
E *A North Trench 3 18prs & a Mortar of 24 1. 10 w.t*
F Gen.l Oglethorp's *Soldiers Indians & Sailors Tents*
G *A Lookout taken the 12.th of June*
H *Soldiers and Sailors landing June the 11.th*
I *A Sand Battery quited at our approach*
K Cap.t Warren *Commander over the Sailors hoisting the Union Flag on board a Schooner*
L *The Sailors wells to Water the Shipping*

Ships 1 *Flamborough*, 2 *Hector*, 3 *Squirrel*, 4 *Tartar*, 5 *Phœnix*,
Sloops 6 *Wolf*, 7 *Spence*

Employ'd in this Expedition about 200 Seamen 400 Soldiers and 300 Indians

Forces of the Spaniards 1000 besides a strong Castle and 4 Fortifyed Barks and a Shallow River hind'ring our Shippings Playing on them

An

Account of the Siege of St. Augustine *in a Letter from on Board y* Hector.

May 30 we arrived near St. Augustine, *June 1.st were joined by the* Flamborough, *Cap.t Pearse, the* Phœnix, *Cap.t Fanshaw, the* Tartar, *Cap.t Townshend, and the* Squirrel *Cap.t Warren of 20 Guns each, besides the* Spence Sloop *Cap.t Laws, and the* Wolf *Cap.t Dandrige.*

On the 2.d Col. Vander Dusen *with 300* Carolina *Soldiers appear'd to the North of the Town. On the 9.th* Gen.l Oglethorpe *came by Sea with 300 Soldiers and 300 Indians from* Georgia. *On the 10.th they were carried a Shore in the Men of Wars boats under the cover of the small Ships Guns. They Landed on the* Island Eustatia *without Opposition and took the Lookout at G.*

The 13.th Cap.t Warren *in a Schooner and other Armed Sloops and Pettyaugers anchored in their Harbour just out of Cannon shot till the 26.th when the Sailors were employed in landing Ordnance and other Stores within Reach of the Enemys Cannon. On which Occasion they discover'd a surprising Spirit and Intrepidity. The same night two Batteries were rais'd, but too far off.*

The 27.th the General *summon'd the* Governour *to Surrender, who sent word he should be glad to shake hands with him in his Castle. This haughty answer was occasion'd by a dear bought Victory, which 500 Spaniards had obtain'd over 60 Highlanders 50 of whom were slain but died like Heroes killing thrice their number.*

The 29.th bad weather obliged the men of War to put to sea out of w.ch but one man had been killed. Hereupon the Siege was raised.

take satisfaction of the Spanish prisoners he had. A reply to this was returned, that an answer would be sent. It did not, however, come until the next morning, when the Governor of St. Augustine swore by the Holy Cross that he would defend the castle to the last drop of his blood, and hoped soon to kiss his Excellency's hands there. With regard to the prisoners, he treated all with humanity, as he desired his people might be treated. It was believed that the people in the town and castle were for surrendering on condition that they should be permitted to go to Havana, but the Governor and the Bishop, who had come to the knowledge of the limited time the men-of-war would stay, would not agree to surrender. The firing was thereupon renewed on both sides.

On the 21st Colonel Vander Dussen relieved all the guards of the General's regiment, but it was not until the 23d that Lieutenant Colonel Le Jau came over to Anastatia with the remainder of the Carolina regiment. The next day some of the Indians, who had swum across the river and killed a Spanish Indian near the town, dancing and singing the death hop, according to their custom, came to the General's tent to present him with the head. General Oglethorpe refused it with indignation, called them barbarous dogs, and bade them begone. They did so, going away disgusted, and saying that if they had carried the head of an Englishman to the French they would not have been treated in that manner. It was with difficulty then that the Indians could be persuaded to go over to the main with the General. It was not until the evening of the 24th that, having sent over all of his regiment, he crossed himself to the main, leaving the Carolina regiment upon Anastatia. Colonel Vander Dussen now again proposed to the naval officers an attack upon the galleys, but difficulties were raised. Then he proposed to

undertake it himself, if they would lend him their boats and some of their men. This was declined. It was later, however, agreed that the attack should be made by Captain Tyrrel, commander of the *Carolina*, who had offered his service; but the Commodore, hearing of the scheme, forbade it, expressing his surprise that such a thing should have been contemplated without his knowledge. Then the Commodore undertook the matter himself, and sent his Lieutenant ashore to command the attack. Again he changed his mind — the affair was too hazardous. He would, however, leave it to the gentlemen of the sea and land service on shore. A conference was had, and it was again determined that the galleys should be attacked, provided there was water enough in the swash opposite to the castle. But, strange to say, at the very time of the conference on shore, on the 26th of June, the Commodore was holding a council of war aboard his vessel, the result of which was a letter sent ashore, declaring that the attack was impracticable, without assigning any reasons. Colonel Vander Dussen, still persisting, himself had the swash sounded, and finding water enough for the boats, went on board and informed the Commodore. But it was all to no purpose, the Commodore telling him flatly he could afford no assistance. Against this Vander Dussen protested, pointing out to Captain Pearce the dangerous condition in which he would be left, if now deserted by the navy. Another council was called; but a strong easterly wind arising, the ships slipped their cables and put to sea. The wind subsiding, the ships returned, and further discussion took place, but the Commodore was in haste to get away before the hurricane season set in, which he persisted in expecting in July, though assured that August the 2d was the earliest an autumnal storm had ever been known. Colonel Vander Dussen then appealed to him for

two hundred men to be left on shore, with an officer of their own, to support the Carolina regiment upon the island until the return of the fleet after the hurricane season had passed. This a council of war declared impossible, and all the seamen were taken off the island on the 5th of July, leaving the artillery lying there. Thereupon all the ships except the two belonging to Carolina set sail upon a bright and beautiful day and left the Carolinians to shift for themselves.

Upon the departure of the fleet General Oglethorpe determined to raise the siege, which was done against the wishes of Colonel Vander Dussen, who still thought they could maintain it until further succor could be received. On the 4th of July General Oglethorpe issued a peremptory order to Colonel Vander Dussen "to raise the blockade from the Island of Anastatia and come off with the train and troops with the least loss you can prevent. But to spoil rather than leave the artillery." The Carolina regiment was the last to be withdrawn, which was not done until all the artillery had been removed.

A curious incident occurred during the raising of the siege illustrating the extraordinary influence which the mulatto Diego had acquired over General Oglethorpe. The General having made an advance to cover the moving of his stores, asked Colonel Barnwell what he thought of letting Diego Spinola, who was with them, go into St. Augustine, saying that he had promised to return in three days. To this Colonel Barnwell replied that he had often heard his father say, "Never trust a Spaniard, nor be afraid of an Indian." "Then," said the General, "you do not approve it." But adding that a single prisoner was of no consequence, and that the enemy knew the situation from deserters, he let Diego go in, to the dissatisfaction of all about him. Diego had no sooner reached the castle

than fire was opened from it, directed to the very spot on which the General had been standing.

Upon his retreat General Oglethorpe united his command at the camp on the St. John's opposite to Fort George, the point from which he had set out on his expedition,—and remained there several days. On the 21st of July he crossed his regiment to the fort, and on the 22d they marched to Fredrica. The Carolina regiment remained on the Spanish side of the St. John's until the evening of the 24th. It returned to Carolina, having lost none killed by the enemy, but twelve by disease, and *two* by desertion, one a New England man who effected his escape; the other, an Irishman, was retaken and shot.

The failure of the expedition has been repeatedly charged by historians to the conduct of the South Carolina regiment, to wit: (1) to their tardiness in arriving; (2) to their turbulence, inefficiency, and desertion; and (3) to their early abandonment of the enterprise. The foregoing account of the expedition presents a complete vindication from these charges.[1]

(1) Upon the first charge it is to be observed that the time for the enterprise was most unpropitious. The Carolina colony was in a state of exhaustion from pestilence, and of domestic apprehension on account of the disturbed condition of the negro population, and was thus in no condition to furnish men for a military expedition elsewhere. To do so, therefore, it was necessary to recruit the regiment that the Assembly agreed to furnish, from other colonies, and this necessarily involved delay. Of these conditions General Oglethorpe was fully aware, and

[1] We are not to be surprised that these charges are seized upon by the eulogists of Oglethorpe when they are made by Hewatt (*Hist. of So. Ca.*, vol. II, 81) and repeated without examination or question by Ramsay (*Hist. of So. Ca.*, vol. I, 143).

accepted the assistance proposed with that understanding. As it turned out, however, the Carolina contingent was as promptly at the rendezvous as the General's own men, and took part in the first affair, to wit, the capture of Fort Diego. The Assembly had agreed to furnish four hundred men. It furnished six hundred, besides the company of volunteers.

(2) The second charge is equally without foundation. The conduct of the regiment was excellent throughout the campaign. It is true that some of the company of volunteers, disgusted with the useless marching and countermarching, feints and drum-beating, instead of a vigorous and prompt attack, to assist in which they had volunteered, and under the pressure of the uneasiness of the people at home, had abandoned the expedition. But these were but the volunteers, who had not undertaken to remain during a long-drawn-out affair, and were not of the regular regiment promised by the province. From the Carolina regiment there were but two desertions, one by a man from New England, who succeeded in getting away, and the other by an Irishman, who was taken and executed. The absurd charge that Captain Bull deserted is refuted by the fact that on returning home he was made the bearer of dispatches from General Oglethorpe to the Lieutenant Governor of South Carolina, and was immediately reëlected Speaker of the Commons, an office he had given up to go upon the expedition.

(3) So far from there being the least foundation for the third charge, the correspondence between General Oglethorpe and Colonel Vander Dussen shows that the latter protested against the abandonment of the siege, and only evacuated Anastatia Island under peremptory orders from General Oglethorpe, given in response to his urgent letter proposing to remain. The record shows that the Carolina

regiment was the last to abandon the siege and brought off considerable material left by General Oglethorpe's troops in their camp.

"It has been asserted," says Bishop Stevens in his *History of Georgia*,[1] "that the raising of the siege was owing to the defection of Colonel Vander Dussen and the Carolina regiment. On the contrary, he remained with Oglethorpe till the last, and General Oglethorpe acknowledged his anxiety to fight for his country by saying that Colonel Vander Dussen had made several handsome offers of service which necessity had compelled him to decline."

However gallant and excellent an officer General Oglethorpe had proved himself to be in service of war under the great prince, the conduct and result of this small affair in the wilds of America show him to have been lacking in all the qualities necessary for an independent commander. He lacked decision and constancy of purpose. He had held out to the Assembly of South Carolina, as a great inducement for the expedition at that particular time, the command he had secured of the St. John's River by the capture of the fort at Picolata. And yet with a large naval force absolutely securing the possession of the river from its mouth on the ocean, he fails to avail himself of this point as a basis of the movement, upon the ground that his soldiers would be discouraged by losing sight of the fleet, and because of that apprehension, adopts the long, arduous, and fatiguing course — equally out of sight of the navy — of marching down the peninsula. In the prosecution of this plan he shows no strength and directness of purpose, nor constancy in carrying it out. With no properly organized staff, he himself undertakes to perform alike the duties of a scout and those of a commissary. He races down to St. Augustine to take a look at the place

[1] Vol. I, 178.

one day, and the next he races back to the St. John's to see if his supplies have arrived. Then he rushes back again to take another look at St. Augustine, and has drums beat to announce the laying of the siege. No definite plans are arranged with the naval officers, and their unwarranted apprehensions of the approaching season rendered their assistance nugatory. The army and the navy having arrived before St. Augustine, it is left to Colonel Vander Dussen to attempt to arrange a concert of action. But an easterly wind frightens off the fleet, and the object of the expedition is precipitately abandoned. The most satisfactory reason and excuse for Oglethorpe's conduct during the siege is that given by his biographer and eulogist, viz. that, laboring under a fever, worn out by fatigue, he was rendered unfit for action. But was not this sickness the result of his own over-exertion in matters which, had he properly organized his expedition, would have been better attended to by his staff, and need not have demanded his immediate personal attention and exertion?

Whatever may have been General Olgethorpe's merits, he certainly had not the fortune of securing the confidence or approval of those who served under him, and it was not only in Carolina that his military conduct was called into question. There was a violent disagreement between himself and Lieutenant Colonel Cochran, who had come out with him as his next in command, which was only settled by the transference of Colonel Cochran to another regiment. This source of trouble removed, differences at once arose between himself and Lieutenant Colonel Cook, Colonel Cochran's successor. Lieutenant Colonel Cook was as restive under his management of the Florida expedition as was Colonel Vander Dussen. Eliza Lucas writes: "Poor Col. Cook is broke on acc^{t} of his complaint

against Mr. Oglethorpe. The last mentioned carry'd many of his own creatures home with him w^ch^ did the business; and thus we find a man of Col. Cooks fair character ruined by the wretch who had a superior Influence at court."[1] Colonel Cook went so far as to prefer charges against the General, but he was not so fortunate as Colonel Cochran. General Oglethorpe was acquitted and he was dismissed from the service. In discussing Oglethorpe's military conduct in regard to the Florida expedition, it is not irrelevant to observe that subsequently at home in the rebellion, of 1745, while holding high command in the King's troops he was charged with similar faults to those committed in Florida. Leading the cavalry in pursuit of the rebels, under orders to press them with the utmost diligence, he turns aside at the critical moment to shelter and supply his command, and halts for the night in such a position that the main army under the Duke of Cumberland passes him without his knowledge, or the knowledge of his Royal Highness, who thus finds his vanguard unaccountably become the rear. Court-martialled for having "lingered on the road," he was, it was true, acquitted, and was subsequently promoted, and ultimately, twenty years afterward, became a full General in his Majesty's forces, but he was never again employed in the field, and was deeply mortified at the want of some mark of distinction, having failed to obtain knighthood, which he coveted.[2]

On the return of the Carolina regiment to Charlestown on the 13th of August, Colonel John Fenwicke, on behalf

[1] *Women of Colonial and Revolutionary Times*, Eliza Pinckney (Mrs. Ravenel), 63.

[2] Stevens's *Hist. of Ga.*, vol. I, 201, 206; Harris's *Memorials of Oglethorpe*, 273, 280–284.

of the Commons, addressed Colonel Vander Dussen in this somewhat extravagant language:[1] —

"When you were ordered to carry off your train and troops from the Island of Anastatia, and to spoil rather than leave the artillery; and when Commodore Pearce had sailed and left you alone on the island with the forces of this province, you brought off all the artillery, which General Oglethorpe said was impossible to be done, and preserved everything, and completed your retreat without any loss. The Romans for one life saved gave the corona civica; to you, who have saved a regiment, this House tenders all it can bestow, — a public acknowledgment of your merit. You have acquired more glory by the retreat you have made from the situation in which you were placed than you could have gained even by a conquest."

Throughout the brief campaign Colonel Vander Dussen had certainly displayed high military qualities. In the very trying position of his doubtful relation to General Oglethorpe he had behaved with great tact and discretion, and had avoided any collision of authority under circumstances which would have embroiled one of less self-control. He had shown military sagacity and had acted with conspicuous courage. And had his plans been carried out, it is highly probable that the expedition would have been successful. But it was altogether beyond the truth to say that glory had been acquired by any one in the futile campaign. It is enough to say that Colonel Vander Dussen and his regiment had faithfully done their duty, and the failure of the expedition was not attributable to them.

[1] *Russell's Magazine*, September, 1859. Colonel Fenwicke held at this time the position of Major General of the militia of the province. *So. Ca. Gazette*, June 26, 1740.

CHAPTER XIII

1740–43

The slave code adopted in 1722 under the Provisional government of Sir Francis Nicholson had again been revised in 1735.[1] The insurrection of 1739 led to another thorough revision in 1740.[2] While the expedition against St. Augustine was in progress the General Assembly devoted itself to this subject, and to the honor of the province be it said, that so far from this rising of the negroes adding to the severities of the law, it was made the occasion of ameliorating the condition of the slave. More stringent provisions were made against insurrections, but in the main the amendments to the code were in the negro's favor.

A penalty of £5 currency was imposed upon any person who employed a slave in any work or labor (works for necessary occasions of the family only excepted) on the Lord's day, commonly called Sunday. The selling of strong liquor to slaves was prohibited. Slaves were to be provided with sufficient clothing, covering, and food, and in case any owner or person in charge of slaves neglected to make such provision the neighboring justice, upon complaint, was required to inquire into the matter, and if the owner or person in charge failed to exculpate himself the justice might make such orders for the relief of the slave as in his discretion he should think fit.

And because, it was said, by reason of the extent and

[1] *Statutes of So. Ca.*, vol. VII, 355. [2] *Ibid.*, 397.

distance of plantations in the province the inhabitants were far removed from each other, and many cruelties might be committed upon slaves, it was provided that if any slave should suffer in life or limb, or be beaten or abused contrary to the direction of the act, when no white person was present, or, being present, refused to give evidence, the owner or person in charge of such slave should be deemed to be guilty of the offence, unless he made the contrary appear by good and sufficient evidence, or by his own oath cleared and exculpated himself. This oath was to prevail if clear proof of the offence was not made by at least two witnesses. In case of alleged cruelty to a slave in the absence of white witnesses, the burden of proof was with the person making the charge, while the oath of the party charged might exculpate him unless against the oath of two white witnesses. It was something at least that the owner was called upon to show his innocence. Owners were prohibited from working slaves more than fifteen hours in the twenty-four from the 25th of March to the 25th of September, or more than fourteen hours in the twenty-four from the 25th of September to the 25th of March.

The slave code as revised in 1740 remained substantially the law in regard to slavery during the continuance of the institution in South Carolina for 120 years after, and its provisions in regard to the killing of slaves were repeatedly enforced. It was, however, so amended in 1821 that if any one should murder a slave he should suffer death without the benefit of clergy, and if any one should kill a slave in sudden heat and passion he should be fined not exceeding $500 and be imprisoned not exceeding six months. It happened that immediately before the passage of this act — very probably the cause of its passage — a negro who had run away was killed by his

master, and in his defence the plea was made that he could not be tried under the new act, and that the new act repealed the old. The courts of South Carolina, however, would listen to no such sophistry, but held that while the new act could not apply to his case, as it was *ex post facto*, the master could not thus escape, and punished him under the act of 1740.[1]

Having thoroughly revised the slave code, the Assembly made another attempt to check the further importation of negroes.[2] An act was passed reciting that the importation of negroes from the coast of Africa, as they were generally of a barbarous and savage disposition, was dangerous to the peace and safety of the province, and that to prevent these fatal mischiefs, for the future it was necessary that a method should be established by which a proportional number of white inhabitants should be introduced. A tax was imposed on the purchase of negroes, graduated according to their height; a tax of £10 was laid to be paid by every person who in fifteen months after its passage first purchased any negro 4 feet 2 inches high that had not been six months in the province; and £5 for every such negro under that height and above 3 feet 2 inches,

[1] *State* v. *Taylor*, 2 McCord, 483. *State* v. *Raines*, 3 McCord, 452. As late as 1853, two white men were convicted and executed, under the provisions of the acts of 1740 and of 1821, for killing a negro whose identity was not established, but who, under the act of 1740, was presumed by the courts to have been a slave. In this case the judge, who both tried the case on the circuit and pronounced the opinion of the highest court upon appeal, stated that no eye-witness had testified to the killing, and the mutilated remains when discovered offered no means of recognition. The accused men were, nevertheless, convicted and executed; the Governor at the time ordering out a strong military force to escort the sheriff with the condemned men from Charleston, where they had been imprisoned for safe keeping, to Walterboro, the place of execution. See *Slavery in the Province of So. Ca.* 1670–1770 (Edward McCrady); *Am. Hist. Asso.*, 1896, 631, 673.

[2] *Statutes of So. Ca.*, vol. III, 556.

and all under that height £2 10*s.*; and after fifteen months, for the term of three years next ensuing, £100 for every negro over 4 feet 3 inches, and £50 for every one under that height and above 3 feet 2 inches; and for all under, £25. The sums thus raised from this tax were appropriated for defraying the charge of transportation of poor Protestants from Charlestown to the places of settlement. And as an inducement to the immigration of these people, necessary implements and tools for planting, and provisions for one year, were to be provided for each man not over fifty years, and a cow and calf in addition to such provisions were allowed for every five such persons who should actually settle in any of the townships laid out, or in any other of the frontier places in the province in which they might be directed by the Governor to settle. Besides the tax upon the first purchaser, the slaves imported were themselves taxed £50 additional. The measure was intended to act as a prohibition, and it did so.

The insurrection of 1739 had, however, aroused the apprehension of danger from that source, which the common belief that the Spaniards through commissaries were still instigating the negroes to revolt greatly increased. In this condition of the public mind a dwelling-house of a Mr. Snowden was set on fire by a negro man. Upon the evidence of an accomplice and upon his own confession he was publicly burned to death on the 14th of August, 1741. This awful punishment, it must be observed however, was not inflicted under any provision of the slave code or of any law peculiar to South Carolina, but under the ancient law of England, imposed as a *lex taliones* by the Statute of Edward I. Chief Justice Trott, in a charge to the grand jury in 1708, in explaining the different offences and punishments, told them "burners of houses by the civil

law were to be burned, and so they were anciently by the common law of England, as appears by Bracton." In 1703 a white woman was convicted of poisoning her husband with the aid of two men as her accomplices, and Chief Justice Trott sentenced the men to be hanged and the woman to be burned.[1]

The year 1740 was rendered memorable also for the controversy which arose upon the preaching of the Rev. George Whitefield. Mr. Whitefield, who had come to America to aid Oglethorpe in the settlement of Georgia, had previously been in Charlestown. In August, 1738, while there, about to embark for Europe, he had visited the Rev. Alexander Garden, then Commissary of the Bishop of London, who, he writes, received him very courteously and offered him a lodging. "How does God raise up friends," he exclaims, "wherever I go!" At the Commissary's entreaty he preached the next Sunday morning and evening in St. Philip's, which he describes as a grand church, resembling one of the new churches in London, and was most cordially thanked by the Commissary. He returned in 1740, after having had a most wonderful career in England, where his auditories had often consisted of twenty thousand persons, but where also he had given occasion to the Bishop of London for publishing a charge

[1] Mss. charges of Chief Justice Trott, Charleston Library. *Hist. of So. Ca. under Prop. Gov.* (McCrady), 451. It is at least a curious coincidence, if indeed it was not really the suggestion of the burning in Charlestown, that in *The So. Ca. Gazette* of July 30, 1741, there is a letter giving an account of incendiary fires in New Jersey and an insurrection of negroes in New York attributed, like that in South Carolina, to Spanish instigation, in consequence of which two negro men were burned at the stake in New York at one time, and seven at another. See an account of the fires and supposed insurrection of the negroes in New York, and their trial and the burning of *thirteen*, as there stated, in *Am. Commonwealth Series*, New York (Roberts), vol. I, 288–295.

to his clergy calling upon them to avoid alike the extremes of enthusiasm and lukewarmness. He had come this time by way of Philadelphia, and travelling through Pennsylvania, the Jerseys, to New York, and back again to Maryland, Virginia, North and South Carolina, he preached all along to immense congregations. With Mr. James Habersham's assistance he had founded an orphan asylum in Georgia, which he called Bethesda, the first collection made for which in America was in March, 1740, at the Rev. Mr. Josiah Smith's meeting-house in Charlestown,[1] to which he came about the middle of March to see his brother, the captain of a ship. He returned again in July to Charlestown, "the place," says Gillies, "of his *greatest success* and of the *greatest opposition.*"[2] He had been cordially received by Commissary Garden, as we have seen, on his first visit, but the "enthusiasm" against which the Bishop of London had warned him led him here to disregard his canonical obligations. He was an ordained priest of the Church of England. Indeed, he had returned to England for the purpose of receiving ordination, and the vows to obey the canons, which he had so recently taken, enjoined "the use of the forms of prayer prescribed in the Book of Common Prayer," and it was Dr. Garden's special duty as the Commissary of the Bishop of London to see to the observance of the canons of the church,—a duty to which his attention was now particularly called by the Bishop's warning. But Mr. Whitefield, often called upon to preach to great crowds, many of whom neither possessed nor knew how to use the Book of Common Prayer, in public worship assumed the privilege of

[1] The Rev. Josiah Smith was grandson of the Landgrave Thomas Smith. The church mentioned in the text as his meeting-house was the Congregationalist or Independent Church.

[2] Gillies's, *Memoirs*, 53.

disregarding the Prayer Book, and performing extempore services. This was an offence against the church of which he professed to be a minister, and an offence which it was the clear duty of the Commissary to notice and prohibit. But the first matter of difference was upon the subject of the doctrine of justification and the new birth, upon which Mr. Whitefield delighted to preach, and also because of certain charges which Mr. Whitefield had made against the Bishop of London and his clergy. On the 17th of March (1740) the Commissary addressed a letter to Mr. Whitefield, calling in question his doctrine, and asking an explanation of his charges against the Bishop. It happened also that just at this time Mr. Whitefield had embraced the Calvinistic doctrine of Predestination, upon which Mr. John Wesley printed a sermon against it, and sent a copy of it to Commissary Garden. This caused a separation between the Wesleys and Whitefield,[1] and the latter found his hands full with, on the one hand, a controversy with Commissary Garden about the use of the Prayer Book, and on the other with the Wesleys upon the disputed points of unconditional election, irresistible grace, and final perseverance. The one ended in his suspension from his priesthood in the Church of England, and the other in a separation of the founders of Methodism and the formation of two different societies.[2] *The South Carolina Gazette* for the years 1741, 1742, 1743, was the vehicle of the bitter controversies carried on, generally under assumed names, on the one hand by Commissary Garden and some of his friends, and on the other by Whitefield, the Rev. Josiah Smith, and the Rev. Isaac Chanler. Some of the papers produced in these controversies and republished in London and elsewhere, have

[1] *Hist. of the Methodists* (William Myles), London, 1803, 15.
[2] *Ibid.*

become historical.[1] An amusing incident is related by Dr. Dalcho. Commissary Garden, feeling himself called upon by a sense of duty to his congregation to counteract the opinions of Mr. Whitefield from the pulpit, preached and afterward published a sermon from the text Acts. xvii. 16: "*These that have turned the world upside down are come hither also.*" This was replied to by Mr. Whitefield in a sermon from 2 Tim. iv. 14: "*Alexander the coppersmith* did me much evil; the Lord reward him *according to his works.*"[2]

Mr. Whitefield was cited by the Commissary to appear before an ecclesiastical court held in St. Philip's Church on the 15th of July, 1740, to answer for his violations of the canons and rubrics. He appeared with Mr. Andrew Rutledge as his counsel, and protested against the authority of the court. The plea was overruled, and Whitefield appealed to the Lords Commissioners in England appointed by the King for hearing appeals in spiritual causes from his Majesty's plantations in America. The appeal was allowed, but Mr. Whitefield failed to prosecute it, and after the time limited, he having procured no prohibition from England against the court's proceeding in Carolina, it went on with the case, and Whitefield failing to answer, after successive adjournments to allow him the opportunity, judgment of suspension was pronounced against him. Unfortunate, indeed, was it for the Church of England that it could find no means of availing itself

[1] Whitefield's reply to Wesley's sermon on Predestination, "Six Letters to Rev. Mr. George Whitefield by Alexander Garden, M. A., Rector of St. Philip's Church, Charlestown, together with Mr. Whitefield's answer to the First Letter, 2d Ed., Boston, F. Fleet, 1740." Rev. Josiah Smith's famous sermon on "The Character of Preaching," "New Converts exhorted to cleave to the Lord," etc., by Isaac Chanler, minister of the Gospel on Ashley River, etc., Boston, 1740.

[2] Dalcho's *Ch. Hist.*, 140.

of the great work of the Wesleys and of Whitefield; unhappy, indeed, that it allowed a great and needed revival to end in schism instead of reformation.

Hugh Bryan, a boy of sixteen years, was taken captive in the Yamassee war of 1715, and disposed of as a slave to a half-breed by the chief. His master was killed in an engagement with the whites, but he was protected by an Indian chief for kindness which his father had shown the savages in former years. It so happened that he had obtained a Bible during his captivity, and his Indian mistress gave him a copy of Beveridge's *Private Thoughts*, taken from some white family they had killed. He was taken to St. Augustine, from which place he escaped and regained his father's house. These circumstances had deeply impressed a mind which, perhaps never very strong, had been probably weakened by the shock of his capture and captivity. He is described as impulsive, ready for every good work, and sometimes carried far beyond the bounds of prudence, his piety predominating over his wisdom. On the other hand, he is said to have been a gentleman of character in civil life, having been honored with commissions both in the magistracy and militia of the province.[1] Whitefield obtained a complete ascendency over this gentleman and his wife, and, on his part, very naturally immensely overrated them. Soon after the great fire in Charlestown, of which we shall presently speak, there appeared in the *Gazette* of January 8, 1741, a communication over the signature of Hugh Bryan, in which, taking the text, "Is there evil in the city and the Lord hath not done it?" he recalled the recent disasters which befell the province,— the pestilence, the insurrection of the negroes, the failure of the St. Augustine expedition, and the great fire, and attributed them all to the wicked-

[1] Howe's *Hist. Presb. Ch.*, 242.

ness of the people and the sloth and indifference of the clergy, and then significantly added, "Shall our clergy at this day show a pious zeal about the decrees and canons of the Church even so as to persecute the faithful minister for not conforming exactly to their appendages of religion (who themselves break canons every day) and have no bonds of love for perishing souls that are travelling in Egyptian darkness?" This communication, which attracted a great deal of attention, not only for the charges against the clergy of the Church of neglect of their sacred duties, and daily violation of the canon law, but also for its fulsome adulation of Whitefield, was found to have been supervised and corrected by Whitefield himself. He was about to sail for England, but before he did so he was arrested upon a warrant charging him with the libel, which he confessed as his own and glorified in, and gave bail to appear at the next session of the court.[1] Nothing further is known of the proceedings. They appear to have been abandoned.

The year 1740 closed with a disastrous fire in Charlestown. It broke out in the afternoon of the 18th of November and consumed all the houses from Broad and Church streets down to Granville Bastion,—that is, to the point where the East Battery now begins,—the oldest and most valuable part of the city, not so much on account of the buildings, which, being the first erected, were probably inferior, but on account of the immense stores which they contained. The number of houses burned was computed at three hundred, besides storehouses and stables and several warehouses, and had it not been at the time of high water, the shipping would likewise have been destroyed. The loss was estimated at £200,000 sterling,[2] considerably

[1] *So. Ca. Gazette*, January 15, 1741; Howe's *Hist. Presb. Ch.*, 245.
[2] *So. Ca. Gazette*, November 20, 1740.

more probably than $1,000,000 of our present money. Parliament came to the assistance of the community, and voted £20,000 sterling, which was distributed by a joint Committee of Assembly, consisting of Messrs. Benjamin Whitaker, Joseph Wragg, John Abercombe, John Hammerton, Andrew Rutledge, Joseph Blake, David Hext, and William Middleton.[1] The minutes of the vestry of St. Philip's church show the vestry and wardens' meeting day after day until the February following, receiving contributions and distributing them among the poor. As late as April, 1741, William Osborne appears before them and applies for relief for the loss of his pilot boat in the time of the fire, and the gentlemen of the vestry gave him £100 toward buying another. It will be recollected that in 1706 the building of wooden frame houses had been declared a common nuisance and prohibited,[2] but as bricks were scarce, this act had been repealed in 1717; a similar measure was now again adopted; an act for regulating the rebuilding of the town was passed on the 10th of December, 1740, which required all buildings to be made of brick, stone, or brick and stone, regulated the buildings in other particulars, and fixed the prices of building materials.[3]

Mr. Hugh Bryan was soon again in trouble, but this

[1] *So. Ca. Gazette*, November 7, 1741.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 573, 574.

[3] Among the prices for building material we find the following: English Bricks per 1000, £6; New England Bricks per 1000, £2, 10s.; Carolina Bricks per 1000, £5. This implies that bricks were imported from both England and New England. And yet, in Governor Glen's Report to the Board of Trade in 1749, bricks are not mentioned as among the commodities and manufactures usually imported into the Province, but, on the contrary, bricks are mentioned as among the exports of 1747–48. Carroll's *Coll.*, vol. II, 229, 238; *Documents connected with So. Ca.* (Weston), 86, 88. But see *post*, in regard to English Bricks.

time there was no room to doubt that his mind was seriously affected. At the suggestion of Whitefield he had entered earnestly into the religious instruction of the negroes, and in this work his mind became greatly excited and diseased. The matter was brought to the notice of the public by a presentment of the grand jury charging him with uttering enthusiastic prophecies of the destruction of Charlestown, and of assembling great bodies of negroes, under pretence of religious worship, contrary to law and detrimental to the public peace. Upon this a warrant was issued for his apprehension, but before it could be served he had recovered from his delusion, and addressed a letter to Mr. Bull, the Speaker of the Commons, confessing his errors and asking pardon. The letter, dated March 1, 1742, was published by order of the House, and is to be found in the *Gazette* of March, 1742. He writes: —

"It is with shame intermix'd with joy that I write you this. I find that I have presumed in my zeal for God's glory beyond his will, and that he has suffered me to fall into a delusion of Satan — particularly in adhering to the impressions on my mind, though not to my knowledge in my reflections and other occurrences of my journal. This delusion I did not discover till three days past when, after many days' converse with an invisible spirit, whose precepts seemed to be wise, and tending to the advancement of religion in general, and of my own spiritual welfare in particular, I found my teacher to be a liar and the father of lies, which brought me to a sense of my error and has much abased my soul with bitter reflections on the dishonor I have done to God as well as the disquiet which I may have occasioned my country. Satan till then appeared to me an angel of light in his spiritual conversation, but since I have discovered his wiles he has appeared a devil indeed, showing his rage."

He denies that he furnished or was engaged in anything treasonable. The letter was republished in the *Boston Post Boy*, with additional statements on the authority of

his brother as to the way by which he was undeceived. The invisible spirit had bidden him go by a direct course and without looking on the ground to a certain tree, and to take thence a rod, with which he must smite the waters of the river, and they should be divided, so that he should go over on dry ground. These directions he obeyed, and after several falls from not looking on the ground, found the tree and procured the rod with which he smote the water, and pressed forward toward the farther bank, until he was up to his chin in the water, and was just saved from drowning by his brother, who had followed and endeavored to persuade him to go home. This he for some time refused to do, under the influence of the spirit; but his wet clothes and the sharp weather at length prevailed. The conduct of Hugh Bryan, says Dr. Howe, exhibits a singular mixture of religious zeal and either mental infirmity or temporary insanity. His letter and the story was widely republished from its resemblance to the extravagances of Davenport in Connecticut about the same time, the progress of which the legislature of that province put forth its power to arrest.[1] Mr. Bryan's case acted as a caution to the extravagances to which the human mind is prone, and produced a reaction from the extremes of religious enthusiasm against which the Bishop of London had warned his clergy in the beginning of Whitefield's career. Yet it is related that Mr. Bryan seems not to have lost the confidence of men of judgment and piety. He saw his error and almost madness quickly, and his subsequent life showed him, it is said, to be a true servant of God:

[1] For an account of Mr. Davenport's imprudence and wildness and the legislation in Connecticut to restrain him and his followers, see Trumbull's *Hist. of Connecticut*, vol. II, 160–189; Letters from New England in the *So. Ca. Gazette*, June 21, 1742.

probably this catastrophe was serviceable to him as well as to others.[1]

The subject of the religious instruction of the negroes had now, however, aroused considerable attention, and much more serious work was done in regard to it than Mr. Bryan's extravagances. To the honor of the Society for the Propagation of the Gospel, writes Hewatt, it must be acknowledged that they had already made some attempt for the conversion of these heathen. They had no less than twelve missionaries in Carolina, who had instructions to give all the assistance in their power to this laudable purpose, and to each of them they allowed £50 in the year over and above their provincial salaries. But it was well known, he adds, that the fruit of their labors had been very small and inconsiderable. Such feeble exertions were no ways equal to the extent of the work required, nor to the greatness of the end proposed. Whether their small success ought to be ascribed to the rude and intractable disposition of the negroes, or to the neglect and indolence of the missionaries themselves, he does not undertake to determine. Perhaps, he ventures to assert, it was more or less owing to all these different causes. One thing, he observes, was very certain, that the negroes of the country, a few only excepted, were, when he wrote, as great strangers to Christianity, and as much under the influence of pagan darkness, idolatry, and superstition as they were on their first arrival from Africa.[2]

The Rev. Dr. Gibson, Bishop of London, it will be rec-

[1] *So. Ca. Gazette* of March 6, 1742; Howe's *Hist. Presb. Ch.*, 244–246. Dr. Howe gives a list of the various publications of Hugh Bryan's letter and his story. See also Eliza Lucas's letter giving an account of H— B— and his illusions. *Women of Colonial and Revolutionary Times*, Eliza Pinckney (Mrs. Ravenel), 32, 33.

[2] Hewatt's *Hist. of So. Ca.*, vol. II, 99, 100.

ollected, had, in 1727, issued a pastoral upon the subject o
the conversion and baptism of negro slaves, assuring th
masters and mistresses that the rite of baptism did no
in the least affect their property in their slaves, in order t
allay their anxiety on this point, so that it would no
deter them from efforts for their conversion to Chri
tianity; and at the same time had addressed a lette
to the missionaries and schoolmasters with full and spe
cific instructions upon the subject, calling upon the schoo
masters to assist the clergy in this work on Sunday
The Rev. James Parker, who came out from England i
1740 and became the pastor of the Congregationalis
then known as the *Brick Presbyterian Church* in Charle
town, and Mr. Josiah Smith, who soon after succeeded M
Parker, joined in appeal to the members of that church
enforce the bishops' recommendation in their own commu
nity. Waiving all question as to ecclesiastical authority i
the matter, in a noble and Christian spirit, they publishe
a letter in the *Gazette* of the 17th of April, 1742, in whic
referring to the bishops' pastoral, they thus addresse
their people: —

"We are not insensible of how little weight such names as ours m
be deem'd with some of the gentlemen of the establishment. But h
Lordship surely must give a certain force, emphasis, and reputati
to every paragraph. And we think we act as men, as christians, as su
jects, especially as ministers of Jesus Christ, if we take this opportuni
of expressing our hearty concurrence with his Lordship, applaudi
his noble and pious designs and recommending his Letters to
families who sustain the same character and denomination with
hoping it may awaken them to a religious concern for the instructi
of negroes under their respective charges which we humbly submit
the wisdom of our superiors whether and how attempts of this natu
may be thought to claim the public protection, continuance, a
satisfaction."

This appeal was excepted to and carped at by a writer in the next *Gazette*, who objected to any recognition of the "establishment" for even so pious a purpose; but Dr. Howe observes it seems not to have been without effect.[1]

Neither the Church of England nor the Society for the Propagation of the Gospel entertained any scruples as to the institution of slavery. The Church act of 1704 anticipated that the Society would give negro slaves as part of the endowment of the parishes, as it provided that the negroes when so given should constitute a part of the glebe.[2] The Society itself accepted a devise by General Codrington, in 1710, of two valuable plantations in Barbadoes, upon the condition that these establishments should be kept entire with at least three hundred negroes upon them, the produce of which was to be appropriated to maintain a number of professors and scholars under vows of chastity and obedience, who were required to study and practise physic and surgery as well as divinity, that they might endear themselves to the people, and have the opportunity of doing good to men's souls while they were taking care of their bodies. The Venerable Society, says Bryan Edwards,[3] found themselves under the disagreeable necessity, not only of supporting the system of slavery which was bequeathed to them with the land, but were induced also, from the best motives, to purchase occasionally a certain number of negroes "to keep up the stock." But the Society went a step further in Carolina. It fell upon the singular plan of purchasing negroes to educate and devote as slaves for the purpose of educating other negro slaves.

In the *South Carolina Gazette* of March 11, 1743, there

[1] Howe's *Hist. Presb. Ch.*, 247.

[2] *Statutes of So. Ca.*, vol. II, 239.

[3] Edwards's *Hist. of West Indies*, Appendix, vol. II, 35.

is an advertisement by the Rev. Alexander Garden, th commissary of the Bishop of London, stating tha the Society having long had much at heart the propa gation of the Gospel among the negro and Indian slave in his Majesty's colonies in America, had resolved on th plan of purchasing some country-born young negroes causing them to be instructed to read the Bible and i the chief precepts of the Christian religion, and employin them as schoolmasters for the instruction of negro an Indian children born in the colonies. The advertise ment goes on to state that in pursuance of this pla the Society had purchased about fifteen months befor two such negroes for this service, and appropriate one of them for a school at Charlestown who would b sufficiently qualified in a few months, and to whom all th negro and Indian children of the parish might be sen for education without charge to the masters and owners The commissary concludes with an appeal for a voluntar contribution of £400 currency to build a schoolhouse fo the purpose, which he consents should be put up in corner of the glebe land near the parsonage. This appea was answered, and in the *Gazette* of April 2, 1744, D Garden publishes an account of the receipts and expend tures, by which it appears that he had received contribu tions to the amount of £226. Among the contributor were the Hon. Charles Pinckney, Joseph Wragg, Robe Pringle, Jacob Motte, Col. Othneil Beale, Benjami Smith, and Sarah Trott.

The two negro boys so purchased received the bapti mal names of Henry and Andrew. The school was estal lished, and the experiment tried in the hope that th negroes would receive instructions from teachers of the own race with more facility and willingness than fro white teachers. The school was continued for twenty-tw

years, first under the supervision of Commissary Garden as Rector of St. Philip's, then of his successor, the Rev. Richard Clarke, then of the Rev. Robert Smith, afterward the first Bishop of South Carolina.

The Rev. Mr. Garden wrote to the Society October 10, 1743, that the negro school in Charlestown was likely to succeed, and consisted of 30 children. He further informed them that he intended to employ both the negro youths in teaching in this school until their services should be wanted for similar institutions in the country parishes. He was of the opinion that 30 or 40 would annually be discharged, capable of reading the Scriptures and sufficiently instructed in the chief principles of the Christian religion. In consequence of this favorable report the Society sent to the school a large number of Bibles, Testaments, Common-prayer Books, and spelling-books. In 1744 upward of 60 children were instructed in it daily, 18 of whom read in the Testament, 20 in the Psalter, and the rest in the spelling-book.[1] In 1746 there were 55 children under tuition, and 15 adults were instructed in the evening.[2] In 1755 there were 70 children in the school, and books were given for their use.[3] In 1757 Mr. Clarke informed the Society that the negro school in Charlestown was flourishing and full of children, and from the success of the institution he lamented "the want of civil establishments" in the province for the Christian education of 50,000 negroes.[4] But one of the negro teachers died, and the other, Harry, "turned out profligate"; and as the society had not invested to any greater extent in slaves "to keep up the stock" for the purpose of education, they had no other black or colored person to take charge of the school, and it was discontinued.

[1] Dalcho's *Ch. Hist.*, 156, 157.
[2] *Ibid.*, 158.
[3] *Ibid.*, 174.
[4] *Ibid.*, 178.

But the purchase of negro slaves for devotion to pious and religious purposes was not confined to the Society for the Propagation of the Gospel. Mr. Whitefield and Mr. James Habersham, who together had established the Bethesda Orphan House in Georgia, were mainly instrumental in inducing the trustees of the colony to relax their prohibition against the introduction of slavery into that province. Mr. Whitefield, in 1741, gave the trustees a most practical lesson in his views by planting a tract of land which he called "Providence," with negro labor bought and paid for as his own slaves, for the support of his Orphan House. He writes March 15, 1747: —

"I last week bought at a very cheap rate a plantation of 640 acres of excellent land with a good house, farm, and outhouses, and 60 acres of ground, cleaned, fenced, and fit for rice and everything that will be necessary for provisions. One negro has been given me, some more I propose to purchase this week."

And again in June of the same year he writes: —

"God is delivering me out of my embarrassments by degrees. With the collections made at Charlestown I have purchased a plantation and some slaves, which I intend to devote to the use of Bethesda."

On the 6th of December, 1748, he complains to the trustees that very little proficiency had been made in the cultivation of his land, and that, entirely owing to the necessity he was under of making use of white hands. He writes again:[1] —

"Had a negro been allowed I should have had a sufficiency to support a great many orphans, without expending half the sum which has been laid out. An unwillingness to let so good a design drop, and having a real conviction that it must necessarily, if some other method was not fixed upon to prevent it — these two considerations, honored gentlemen, prevailed upon me about two years ago, through

[1] *Hist. of Ga.* (Stevens), 306–310.

the bounty of my friends, to purchase a plantation in South Carolina where negroes are allowed. Blessed be God, the plantation has succeeded, and though at present I have only eight working hands, yet in all probability there will be more raised in one year, and with a quarter the expense, than has been produced at Bethesda for several years last past. This confirms me in the opinion I have entertained for a long time *that Georgia never can or will be a flourishing province without negroes are allowed.*"

We have seen the courts of England declaring negro slaves merchandise, the law officers of the Crown explaining that baptism did not effect any change in the legal status of the slaves; we have seen the Bishop of London, in his zeal for the conversion of the negroes, assuring their masters that not even in the eyes of the Church was there any such alteration in their condition by conversion, and enjoining upon the negroes to submit to the bondage of slavery as ordained of God, and explaining to them that baptism was no means of freedom in this world, but only of salvation in the next; we have now the Society for the Propagation of the Gospel and the Evangelist Whitefield purchasing and owning slaves as a means of carrying on the work of Christianity. All this was strengthening the hold of the institution of slavery upon the people, whose apprehensions in regard to the increasing number of negroes were inducing them to check its growth. But even in this, as we shall soon see, they were thwarted by the action of the Royal government at the instance of the merchants in London.

CHAPTER XIV

1743–50

William Bull, first as President of the Council and then as Lieutenant Governor, had now been administering the government of South Carolina since the 22d of November, 1735, a period of eight years. James Glen, it will be recollected, had been appointed Governor on the 23d of December, 1738; but though frequent announcements were made in England that he was about to sail, he did not actually arrive in the province until the 19th of December, 1743. James Glen was born at Linleithgow, Scotland, in 1701, and was educated at the University of Leyden. In 1722 he inherited from his father two estates, Bonnington and Longcroft. He belonged to a set of young Scotchmen who held political offices in London and in America. He himself was Inspector of Seigniories in Scotland, and retained that office for several years after his appointment to the governorship of South Carolina. The *Gazette* of the 21st thus announces his coming: —

"Last Saturday arrived here in the Tartar man-of-war, commanded by Captain Ward, his Excellency, James Glenn, Governor and Commander-in-Chief of the Province and Vice Admiral of the same. Upon a signal of five guns being discharged from Fort Johnson, the Charlestown Regiment was drawn up under arms upon the Bay, extending in two lines facing one another from the Council Chamber and Gibb's wharf. His Excellency, in passing by Fort Johnson, was saluted by the guns of that fort; when the ship came before the town by the guns also at Granville's, Craven's, and Broughton's batteries. As soon as she came to anchor the Clerk of the Council and Master in

Chancery, having been first sent on board to wait on his Excellency and to show him a proper place of landing, he was received by the Honorable Edward Atkin and Charles Pinckney, Esquires, as members of his Majesty's Council, who conducted his Excellency through the two lines of foot to the Council Chamber, to his Honor, the Lieutenant Governor, attended by the rest of the members of the Council then on the spot. His Excellency having then produced his Majesty's commission he was conducted by them — the sword of State borne before — and attended by the Honorable the Commons' House, and many officers and other gentlemen of distinction, to Granville's Bastion, where the same was published in due form, which was followed by three whirras(?), a discharge of the cannon at the Bastions, and a general volley of the regiment. Then his Excellency, attended by all the gentlemen present, marched back in like manner to the Council Chamber, being saluted as he passed by all the officers of the regiment. And having then qualified himself to act by taking the usual oaths, the regiment being drawn up as before on Broad Street, his Excellency attended again in the same manner, walked to Shepheard's Tavern, where a handsome entertainment was provided for him, and a numerous company concluded this day with joy, the houses being handsomely illuminated."

On the same day Governor Glen issued his proclamation, assuming administration of the government. Hewatt describes Governor Glen as a man of considerable knowledge, courteous and polite, exceedingly fond of military parade and ostentation. He did not, however, bring with him to his office a reputation which would have favorably predisposed the province to his administration. Indeed, the "Traders of South Carolina," upon seeing the paragraph in the newspapers announcing his appointment, addressed the Duke of Newcastle a paper, intimating that they were afraid that he was wanting in ability and experience, and hoping that his Grace would not be guided by the mere recommendations of friends, but would fully investigate the merits and qualifications of a person before ratifying him in an appointment of so much importance.[1]

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 271.

Governor Glen's appointment, as Hewatt says, was so far proper, as he possessed qualifications which rendered his government in the settled part of the province respectable, and the people living under it for several years happy and contented.[1] But his conduct in regard to the Indians and the settlement of the upper part of the province, which during his administration was to become the chief executive business, has been severely criticised. Indeed, Adair, a sufficiently intellectual though not altogether disinterested contemporary, Logan observes, does not hesitate to charge him with the deliberate sacrifice of the public interest to the promotion of his own private aggrandizement, but in what particulars is not stated.[2] Governor Glen's administration is nevertheless indissolubly associated with the beginning of the era of prosperity to the province, and it was while he was Governor that a new chapter was opened in its history, its extent greatly enlarged, and another people added to its population.

Lieutenant Governor Bull had given the General Assembly leave to adjourn until the 10th of January. This Governor Glen considered it expedient to confirm. When it met on that day, in his speech[3] announcing that his Majesty had been pleased to appoint him Governor and Commander-in-Chief, he said that as he could not better answer his Prince's intentions, and the high trust imposed in him, than by making the welfare and prosperity of the province his special care, so nothing could be more agreeable to his own inclination. In order to this, he went on to say, the power and prerogatives of the Crown should never be stretched beyond the well-known and accustomed limits. The rights, privileges, and immunities of the

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 105.
[2] Logan's *Hist. of Upper So. Ca.*, 457.
[3] *So. Ca. Gazette*, January 11, 1744.

people should be sacred and inviolable. He would make it his daily study to attain a more perfect knowledge of the laws and constitutions of the province, that by making them the rule of his own conduct he might with the greater impartiality put them in execution. Justice he promised should neither be delayed nor denied to any, but every one equally supported in the enjoyment of what was his own.

Fair enough words these were certainly. But in the study which he promised of the laws and constitution of the province, his Excellency was to find that the colonists had made considerable strides in the principles of constitutional government, and that the limits of prerogative to which they had become accustomed, and which he had unwarily announced he would not stretch, had been drawn in to a much greater extent than he was aware when making the promise ; and much of this he would learn had been accomplished while the government was left to the administration of Lieutenant Governors who were gentlemen of the province. "I hope," his Excellency continued, "I need not recommend to you to make due provision for defraying the necessary charge of the government, and in particular for the contingent charges of both Houses of Assembly and for salaries to the clerks and of all officers necessary to the administration of the government of the province; and I have so little doubt of your making competent provision for your Governor that I had not mentioned it to you. Was I not expressly commanded to do so by my instructions?"

"It is a considerable time," he said in conclusion, "since I was appointed Governor of the province, most of which has been employed in its service, and since I have acted generally by advice from here, I apprehend it is well known to all of you I think I have served with success. I

am sure I have done it with zeal, and I hope to your satisfaction."

It will be observed that Governor Glen does not claim that he had been detained in England all the five years since he was appointed Governor, because of the affairs of the province to be transacted by him. He held an office in Scotland, the duties of which he probably preferred to those in Carolina. In one of the premature announcements of his coming, it was said that he had been engaged in securing a permanent settlement for the Governor of the province; but here, as we see in his first speech to the General Assembly, he announces that he is instructed to call upon them to make a competent provision for their Governor. It was not at all uncommon, as we have seen, for a Governor to remain in England while the Lieutenant Governor administered the government in his absence, and Governor Glen was but following this practice, rather than remaining in England in the interest of the province.

But while he had delayed in England, a very important change had been effected in the constitutional form of the government of the province against which he now protested. He had come out full of the importance of his position as Governor, and embued with an exalted idea of the power and prerogative of the Crown of which he was the representative. He had come out to govern the colony. He found the colony bent upon governing itself under his Majesty's protection. On the 6th of February, 1743–44, he writes to the Duke of Newcastle, the Secretary of State, that he found the whole frame of government unhinged, and the Governor divested of the power placed in him, which power was parcelled out to many hands, principally commissioners, etc. This, he concludes, has been permitted through the indolence of some of the Governors, or their continual absence, upon their own

private affairs. Mr. Bull, the Lieutenant Governor, has the character of a very worthy person, but he, the Governor, knows nothing of him from personal knowledge, he having been sixty miles distant in the country — that is, at his plantation Sheldon, in Prince William's Parish — since the Governor's first arrival, with the exception of one day. Then he comes to the important matter. The custom, he says, had previously existed uninterrupted in the province for all Governors or Commanders-in-Chief to be present at all meetings of the Council, whether as a Court of Chancery, as a Council, or as a House of Assembly; but he found upon the journal of the council this extraordinary paragraph under date of 1739, April 11th:—

"The governor or commander in chief being present during the debates of this House is of an unparliamentary nature, it is therefore resolved that we will enter into no debate during his presence." After this, he says, very little regard or notice seems to have been taken of the Governor, and with the exception of one or two instances his name does not appear to have been entered in the journals.[1] In a subsequent part of the letter he states, however, that the Council had agreed to act more conformably to his Majesty's instructions by allowing him to be present at all meetings, as was the case before the year 1739; but this, as it appeared afterward, was only on the expressed condition that he was not to speak a word, not even to tell the Council that he had instructions upon the subject of their consideration.

This was indeed an important step, which had thus been taken by the Council in South Carolina,— a step which, Governor Glen asserted, had been taken in no other colony, — as it formally separated and defined the three branches of the government into legislative, executive,

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 286.

and judicial. The Governor had the power of veto; this was not questioned. No law could be passed without his consent and approval. But this action on the part of the Council deprived him of a vote in the Council upon the passage as a measure by that body before it was submitted for his approval. This clear demarcation of the line between the executive and legislative departments was a great advance in constitutional government.

The General Assembly which met on the 10th of January had promptly provided for the support of the Governor, £100 was allowed for rent of a house, and £500 for a salary. There was some debate whether this salary should be given in advance or at the end of the year, but it was determined that it should be in advance.

Five years afterward, October 10, 1748, Governor Glen writes another most interesting letter.[1] Addressing the Duke of Bedford, his Excellency, alluding with exultation to an assertion made by him in a recent letter to his Grace, that the province would within a few years of peace become the greatest in his Majesty's dominions, writes that he little expected then that the colony was so nearly approaching that happy era, and hopes that he will be able with truth to say of Charlestown and the province that he found them in ashes, and left them fair, fortified, and flourishing. But amidst the improvement and prosperity which his Excellency saw, and in which he appears heartily to have rejoiced, he saw also as clearly the advance the people were making in self-government and their growing independence of Royal authority. The fact he recognized, but could not understand. He could not but believe that it would be better for the colony if it was more dependent upon the mother country, and more subservient to its rule.

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 303.

In his letter to the Duke, therefore, he expresses the opinion that a new modelling of the constitution would add to the happiness of the province and preserve its dependence upon the Crown, any weakening of which and deviation from the constitution of the mother country is in his view dangerous. He goes on to complain that almost all the places of profit or of trust are disposed of by the General Assembly. The Treasurer is nominated and cannot be displaced but by that body. Beside the Treasurer they appoint also the Commissary, the Indian Agent, the Comptroller of the Duties upon Imports and Exports, the Powder Receiver, etc. The executive parts of the government are lodged in different sets of commissioners, *e.g.* Commissioners of the Markets, of the Workhouse, of the Pilots, of the Fortifications, etc. Not only civil posts but ecclesiastical preferment are in the disposal or election of the people, although by the King's instructions to the Governor the power of collating to all livings, of which the King is patron, is invested in him; and the King is patron of all the parishes in the province,[1] the churches being built upon his lands with moneys raised for his use, and the stipends (excepting what is paid from home by the Society for Propagating the Gospel) arising from taxes imposed for the use of his Majesty; but here the ministers have their charges, and new ones are introduced without any notice being taken by the Governor; probably it is owing to this, he says, that the Governor, although Supreme Magistrate and Representative of the King, is not prayed for in any parish, although the Assembly is prayed for during its sittings.

[1] *I.e.* the appointment to rectories of parishes, etc. In Virginia and Maryland, and in other colonies, the Governor claimed and exercised the right of induction as the representative of the King. *Hist. of So. Ca. under Prop. Gov.* (McCrady), 442.

The above-mentioned officers, he says, and most of the commissioners are named by the General Assembly, and are responsible to them alone, and whatever be their ignorance, neglect or misconduct, the Governor has no power to remove or displace them. Thus the people have the whole of the administration in their hands, and thereby the Crown is stripped of its power. It was Governor Glen's desire and purpose to keep the province as dependent as he could upon England and her Royal master. Thus he mentions as among the things which weakened the King's prerogative the effort on the part of the colonists to manufacture their own wearing apparel. He complains that during the low price of the produce of the province and the extravagant rates of British manufactures, it was impossible to dissuade the inhabitants from working up clothes for their own wear, other than by convincing them that by employing the same hands in making indigo and other produce these goods could be purchased at a cheaper rate than they could make them, and that unless they encouraged vessels to bring in their manufactures their produce would lie on their hands. Thus was this pernicious doctrine of dependence upon staple crops alone, to the exclusion of domestic produce and manufactures, so early instilled into the minds of our people, and impressed with all the weight of Royal influence. It was this doctrine that lay at the root of the Navigation acts and the whole policy of England. The colonies of Virginia and Maryland were to be restricted to the great staple crop of tobacco, South Carolina to rice and indigo, and the Islands to sugar, in exchange for which they were to take the manufactures of the mother country.

The Governor then again recurs to his exclusion from the Council Board, which he writes he told them could not be warranted from the practice of any other province

in America and was contrary to the British constitution. He alludes to another matter in which he finds his power greatly curtailed. By his instructions he can call an Assembly only with the advice of the Council; but this the Council construe to mean that they must sign the election writs as well as the Governor. Of this he justly complains as an encroachment upon the Governor's prerogative.

His Excellency then turns his attention to the House of Commons, and among the things he regards as needing reformation is the election by ballot. This, he considers, the colonists ought not to be indulged in, for the closer they adhere to the customs at home, the safer they will be; for his own part he wishes it were altered, as any person who attends the balloting box may, with very little sleight of hand, give the election to whom he pleases. More justly he objects to the unequal appointment of members of the House. The number of members, he says, is forty-five, but without any rule of proportion, some places sending five, some four, three, two, and one, and some equally entitled not allowed to send any, *e.g.* the Township of Orangeburg, where many foreigners are settled, has twice petitioned to the General Assembly to be allowed representatives without avail. This they complain of as a violation of public faith, for they say they were promised equal privileges with other subjects and are entitled to it, having above a hundred householders in the township, and paying a full proportion of taxes with others; besides, every township, whenever it is erected into a parish, has a minister paid by the public, whereas these poor people are without either minister or schoolmaster. The custom of constituting members in fixing the representation by acts of Assembly he regards as an infringement of the prerogative of the Crown, and

suggests a plan for remedy of the evil, viz., that every place that had been accustomed to send members to the Assembly for a term of years, say for example, ten, should send two members, and every other place or township having one hundred householders to send one until the same term should be complete, when it should send two equally with the others.

But the greatest evil in legislation, Governor Glen wrote, was in regard to the quorum of the House. No less than nineteen are absolutely required to constitute a House, without which number they can do no act except adjourn. This caused many delays. He had seen frequently seventeen or eighteen attending and adjourning day after day for a week together, until at length it was thought proper to prorogue them for a month or two, at the expiration of which time the same inconveniences occurring, it had been necessary to dissolve them. As at present constituted a party of pleasure made by a few of the members renders it impossible for the rest to transact business, and sometimes he has seen a party made to go out of town purposely to break the House and thus prevent the success of what they could not otherwise oppose.

In a subsequent letter, written March 13, 1748–49,[1] in regard to the case of Chief Justice Whitaker, Governor Glen touches upon a subject which was to be the source of much vexation and trouble—and that was the manner of the appointment of Chief Justices. Upon the death of Chief Justice Wright, in 1739, Mr. Benjamin Whitaker had been appointed in his place by Lieutenant Governor Bull,[2] and he had been allowed to retain the position. For several years he had been paralyzed and unfit for his

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 305.

[2] *So. Ca. Gazette*, November 24, 1739.

duties by reason of his infirmities. Governor Glen had given him a leave of absence for twelve months to go to Europe, which leave had run into twenty and he had returned in a worse state than when he left. It was rumored, however, that he had written to England to resign, and acting upon this the Governor recommends James Graeme, "a gentleman whose talents have raised him to the head of the bar" for appointment to the place. In making this recommendation Governor Glen quotes Lord Bacon as saying "that the true temper of a Chief Justice toward a Governor should neither be too servilely to second him, nor factiously to oppose him." In America, however, he writes, Chief Justices are appointed without the knowledge or the interest of the Governor, and so look upon themselves as independent of him, studying to oppose and thwart all his measures, whereas, argues his Excellency, always coming back to the point of strengthening the King's prerogative and the Governor's influence, if recommendations from the Governors were admitted these gentlemen would strengthen a Governor's hands, and his Majesty's service would be benefited — a course which he earnestly urged upon his Grace the Duke of Bedford. The appointments in England of Chief Justices for South Carolina were to become a gross scandal, and to be one of the chief means of alienating the sentiments of the people of the province from their love to the mother country. Chief Justice Whitaker returned to England without informing the Governor, but with the avowed intention of remaining abroad. As his commission ran, "during pleasure and his residence in the province" Governor Glen availed himself of the provision, and at the request of the Council, who voted the post vacant, appointed Mr. Graeme to the position until his Majesty's pleasure should be known, and recom-

mended Mr. Graeme for permanent appointment.[1] A year after, the appointment was confirmed by the King, and Mr. Graeme was commissioned not only Chief Justice of the province but also Judge in Admiralty.[2]

Governor Glen was called upon by the Lords Commissioners to answer a series of questions propounded by that body in regard to the material condition of the province. His answers were very carefully prepared, and furnish a fund of information upon the economic conditions of the province at the time of his administration.[3]

It would open too large a field, his Excellency reports, to enter more minutely into the nature of the soil, but he would state what the labor of one negro on our best lands would annually produce in rice, corn, and indigo. The best land for rice, he says, is a wet, deep, miry soil, such as is generally to be found in cypress swamps, or a black greasy mould with a clay foundation; but that the very best lands might be improved by laying them under water at proper seasons. Good crops are made even the first year, when the surface of the earth appears almost covered with bodies and limbs of trees. The proper months for sowing are March, April, and May. The rice is planted in trenches, or rows, made with a hoe, about three inches deep, and kept pretty clean from weeds, and in the end of August or September it is fit to be reaped. It is necessary to remain in the stubble until dry, which requires about two or three days if the weather is favorable, and is then housed or put in large sacks. Then it is threshed with a flail and winnowed, which was formerly a very tedious process, but was then

[1] *Coll. Hist. Soc. of So. Ca.*, vol. II, 306.

[2] *So. Ca. Gazette*, October 3, 1751.

[3] Carroll's *Coll.*, vol. II, 196 *et seq.*: *Documents connected with So. Ca. Hist.* (Weston), 65. *Coll. Hist. Soc. of So. Ca.*, vol. II, 307.

performed with great ease by a very simple machine, a wind-fan lately invented, and found to be a prodigious improvement. Then he describes the process of grinding and pounding, to free the rice from the thick skin, or chaff, and afterward the sifting to separate the whole from the broken grains.

Thirty slaves are reckoned a proper number for one plantation, tended by one overseer; these, the Governor says, in favorable seasons and on good land, produce a surprising quantity of rice. Lest he should be blamed by any induced to come out upon such favorable accounts, and who might not reap so great a harvest, or lest he should mislead their Lordships of the Board of Trade, he chose rather to send the common computation throughout the province, *communibus annis*, which is that each good working hand employed in rice makes four barrels and a half; each barrel weighing five hundred weight net, besides a quantity of provisions of all kinds for all his slaves, horses, cattle, poultry, of the plantation, for the ensuing year. Rice, he reports, last year (1748), as being at a medium, about 45*s.* currency per hundred;[1] and all this year (1749) at 55*s.*, or £3, though not many years ago it was sold at such low prices as 10*s.* and 12*s.* per hundred.

Indian corn delights, he says, in high loose land, it does not agree with clay, and is killed with much wet. It is generally planted in ridges made by a plough or hoe, and in holes about six or eight feet from each other. It requires to be kept from weeds, and will produce from fifteen to fifty bushels an acre. Some extraordinarily rich land in good seasons will yield eighty bushels, but the common computation is that a negro will tend six acres,

[1] The currency of the province was sometimes as low as ten for one sterling, though its average was only seven for one. Ramsay's *Hist. of So. Ca.*, vol. II, 168.

and that each acre will produce from ten to thirty-five bushels; it sells generally for about 10*s.* currency a bushel.

Indigo, he reports, was of several kinds. It was generally cultivated on the Islands, and requires a high, loose, and tolerably rich soil. It is an annual plant. A good acre of land may produce about eight weight of good indigo, and one slave may manage two acres and upward, and raise provisions besides, and yet have all the winter months to saw lumber and be otherwise employed.

The Governor gives a table of the number of vessels that had loaded in Charlestown in ten years (1736 to 1745 inclusive), averaging 220 a year. His table of those from Christmas, 1745, to Christmas, 1746, is particularly interesting, as it shows that the commerce of South Carolina was eleven times as great with Europe as it was with the northern provinces, and three times as great with the West Indies as with the sister colonies. There left Charlestown 86 vessels bound for Europe, with 10,555 tons of merchandise, valued at £68,607.10, 121 bound for West Indies with 4018 tons at £18,081, and 48 for the northern provinces with 1720 tons at £6020. The next year the exports were nearly eighteen times as great to Europe, and four times as great to the West Indies as to the other colonies in America.

In answer to another inquiry the Governor replies that the quantity of the British manufactures annually consumed by the inhabitants of the province seems too great, and the sort of goods bought too fine, and this he considers ill calculated for the circumstances of an infant colony, by which means the colonists violate the golden rule of commerce, to wit, let your exports exceed, or at least balance, your imports.

The Governor reports that there was no country where there was less illegal trade, so far as he could learn, and

if there were any, it would be difficult to prevent it by reason of the great number of rivers and creeks and the small numbers of officers of the customs. He subjoins an account of the goods exported from Charlestown, the produce of the province from the 1st of November, 1747, to the 1st of November, 1748, amounting in sterling to £161,365 18*s*.

The three great commodities of export in Carolina have been rice, indigo, and cotton ; the first and second have flourished in the eighteenth, and the first and third in the nineteenth, century, cotton supplanting indigo toward the end of the last century.

The story of the introduction of rice has before been told.[1] We have no accurate knowledge of the amount of it raised before the suppression of the pirates, though, as we have seen, the commerce which it employed constituted the attraction of the pirates to the Carolina coast ; [2] but in the year 1724, that is, about six years after, 18,000 barrels of rice were exported.[3] Governor Glen reported that for the year 1729, when his Majesty purchased the colony of South Carolina from the Proprietors, their annual exports and imports had doubled in value. Rice, in particular, had increased in a great proportion. From 1720 to 1729 (both inclusive), ten years, the whole export was 264,755 barrels, making 44,081 tons. From 1730 to 1739, ten years, the whole export was 499,525 barrels, 99,905 tons, so that the last ten years exceeded the former by 235,037 barrels, or 55,824 tons. Of this great quantity of rice scarcely one-fifteenth part was consumed either in Great Britain or in any part of the British dominions, the produce of the other fourteen parts being clear gain to the nation ; whereas almost all the

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 348, 349.
[2] *Ibid.* [3] Ramsay's *Hist. of So. Ca.*, vol. II, 205.

sugar and one-fourth part of the tobacco exported from the British colonies were consumed by the people of Great Britain; from whence, argued his Excellency, it is evident that the national gain arising from rice is several times as great in proportion as the national gain arising from either sugar or tobacco. He estimated that for the then current year, 1749, the crop in South Carolina would be above 90,000 barrels, of which there would not be 3000 barrels used in the province, so that the clear national gain upon that export would be very great. At the lowest computation, of 25*s.* sterling per barrel, the 87,000 barrels exported would amount in value to £108,750 sterling at the first hand, whereto there must be added the charge of freight, etc., from South Carolina to Europe, which amounted to more than the first cost of the rice, so he computed that the least gain upon this article of commerce for that year would be £220,000 (*i.e.* over $1,000,000) over and above the naval advantage of annually employing more than 60 ships of 100 tons each.

Rice being an enumerated commodity, his Excellency went on to remind the government, it could not be exported from South Carolina without giving bond for double the value that it should be landed in Great Britain, or in some of the British plantations, excepting to the southward of Cape Finisterre, which was permitted by Act of Parliament of 1729, the favor having been granted in order that the rice might arrive there more seasonably and in better condition; but this, his Excellency goes on to explain, had not proved as beneficial as had been anticipated; for in the ten years that followed not more than 3570 barrels had been sold to the Spaniards, making only 357 barrels annually, nor did he hope for any improvement in that market, as the Spaniards were supplied with an inferior sort of rice from Turkey, equally agreeable to

them, and a great deal cheaper than the Carolina article. There was little demand for rice from France, but 9000 barrels having been consumed there in two years. Germany and Holland were the best markets, where the greater part of it was consumed during the winter season, when pease and all kinds of pulse were scarce, to meet which market it should arrive before the rivers were frozen.[1]

Indigo was the second great staple of South Carolina.[2] Its original country is Hindostan, but it had been naturalized in the West Indies, from which it was introduced into South Carolina by Miss Eliza Lucas, afterward the wife of Chief Justice Charles Pinckney, and the mother of the two great Carolinians, General Charles Cotesworth Pinckney and General Thomas Pinckney. Her father, Colonel George Lucas, Governor of Antigua, observing and encouraging his daughter's botanical turn and fondness for all that related to a knowledge of the vegetable

[1] An Account of the Quantities of Rice which have been exported from the Province of South Carolina within 10 Years from 1730 to 1739 distinguishing the Total quantity sent to each of the Countries or Dominions whereunto the same was exported: —

	Barrels
To Portugal in all	83,379
" Gibraltar	958
" Spain	3,570
" France only the last Two Years at most	9,500
" Great Britain, Ireland, and the British Plantations, by the largest calculations, cannot exceed	30,000
" Holland, Hamburgh, and Bremen, including about 7000 barrels to Sweden and Denmark	372,118
The Total exported in these Ten Years	499,525

Carroll's *Coll.*, vol. II, 269, 270.

[2] In the following account of the introduction and development of the growth of indigo planting and manufacture, we have followed closely Dr. Ramsay. See Ramsay's *Hist. of So. Ca.*, vol. II, 209–212. For Miss Lucas's own account of her experiment and success, see Mrs. Ravenel's charming volume, *Eliza Pinckney*, of the Scribner Series of the Women of Colonial and Revolutionary Times, 102–107.

kingdom, frequently sent to her tropical seeds and fruits to be planted for her amusement on a plantation which he had settled at Wappoo, nearly opposite Charlestown. Among others he sent her some indigo seed as a subject of experiment. She planted it in March, 1741, or 1742. It was destroyed by frost. She repeated the experiment in April; this was cut down by a worm. She persevered, nevertheless, and her third attempt was successful. Governor Lucas, on learning that the plant had seeded and ripened, sent from Montserrat one Cromwell, a man who had been accustomed to the making of indigo, and engaged him at high wages to come to South Carolina to teach his daughter the process of extracting the dye from the weed. This expert indigo planter did not, however, deal honestly with Miss Lucas, supposing probably that from her youth he could easily deceive her. He made a mystery of the business, and indeed endeavored to prevent the success of the experiment; but Miss Lucas was observant and carefully watched him. She engaged also Mr. Deveaux, who had some personal knowledge of the business, to superintend his operations. Notwithstanding his duplicity she obtained in this way a knowledge of the process. Soon after this she married Colonel Charles Pinckney, who had then been Speaker of the Commons, and was afterward for a time Chief Justice, of which we shall hereafter have occasion to speak; and her father thereupon made her a present of all the indigo on his plantation at Wappoo — the first-fruits of her industry to her husband. The whole crop was saved for seed. Part was planted by Colonel Pinckney next year at Ashepoo, and the remainder given away to his friends in small quantities for the same purpose. They all succeeded. From that time the culture of indigo was common, and in a year or two it became an article of export.

Soon after the dye was successfully extracted from the cultivated plant Mr. Cattel made a present to Colonel Pinckney of some wild indigo which he had just discovered in the woods of Carolina. Experiments were instituted to ascertain its virtues. It proved capable of yielding good indigo, but was less productive than what had been imported. The attention of the planters was fixed on the latter. They pressed its culture with so much industry and success that in the year 1747 a considerable quantity of it, to wit, 134,118 pounds weight valued at £117,353 5*s.* currency, £16,764 sterling,[1] was sent to England, which induced the merchants trading to Carolina to petition Parliament for a bounty on Carolina indigo. Upon examination it was found that the French West India Islands supplied all the markets of Europe, and that Britain alone consumed annually 600,000 weight of French indigo, which at 5*s.* a pound cost the nation the sum of £150,000 sterling. It was estimated that this might be saved by encouraging the cultivation of the plant in Carolina. An Act of Parliament was accordingly passed in 1748, allowing a bounty of 6*d.* per pound on indigo raised in the British American plantations and imported directly into Britain from the place of its growth. Thus encouraged, the planters applied themselves with redoubled vigor, and vied with each other who should bring the best and greatest quantity of it to market. Some years, however, elapsed before they found the nice art of making it as good as the French. While many doubled their capital every three or four years by planting indigo, in the process of time they brought it to such perfection as not only to supply the mother country, but also to undersell the French at several European markets. Indigo proved more really beneficial to Carolina than the mines of Mexico or Peru were

[1] Carroll's *Coll.*, vol. II, 235.

to Spain. In the year 1754 the export of indigo from the province amounted to 216,924 pounds, and shortly before the American Revolution to 1,107,660 pounds. In the revolutionary war it was less attended to than rice. In the year 1783 it again began to be cultivated, 2051 casks were exported, and it continued to form a valuable export for some years; but large importations of it from the East Indies into England so lowered the price as to make it less profitable. Near the close of the eighteenth century it gave place to the cultivation of cotton.

The source of this vast wealth, the foundation of fortunes, some of the remains of which still exist even to this late day, was the result of an experiment by a mere girl. Well may one, a worthy descendant, ask, "When will any new woman do more for her country?"[1]

But, though rice and indigo were now the great staples of the province, there was still an immense trade in peltries. This trade under the Proprietary government was conducted solely under the auspices of individual enterprise. But in 1716, partly for the sake of its enormous profits, and partly with the design of securing a better control of the Indians in view of the public safety, the government assumed the direction of all its affairs and conducted them by a Board of Commissioners as a great public monopoly.[2] This Board at once dispatched a caravan, or periago,[3] of goods to the Cherokees. In 1731 there were collected from all quarters in Charlestown as many as 225,000 deerskins alone. The interval that elapsed between 1721 and 1743 was without doubt, it is said, the most prosperous

[1] *Eliza Pinckney*, Women of Colonial and Revolutionary Times (Mrs. Ravenel), 107.

[2] *Statutes of So. Ca.*, vol. II, 677.

[3] A kind of boat. Variously spelt periago, periagua, periauger, and pettiauger.

years of the peltry trade, and the most peaceful in the relations of Carolina and the Cherokee nation.[1] Cornelius Dougherty, the oldest trader among the Cherokees, whose trading-house stood in the town of Tugaloo as late as 1755, anticipated, if the winter of that year was but tolerably favorable for hunting, collecting from his district alone in the nation 14,000 of buckskin leathers. Three years before the entire nation had been mapped off into thirteen hunting ranges or districts and a trader appointed to every one. Estimating these, says Logan, at but two-thirds of what Dougherty expected gathering, the production of the entire Cherokee country would be more than 100,000 pounds of buckskin leather besides the abundant supply of skins of other wild animals. The average weight of deerskins is four pounds to the skin, there being little difference in the weight, dry or raw. Dougherty expected, therefore, observes Logan, the hunters in the Tugaloo range to bring down with their rifles 3500 deer, making for the whole nation about 25,000 annually. In 1755, 100 deerskins were worth in Charlestown about $250 of our present money. Tugaloo, Dougherty's range alone, therefore, was expected to yield $62,500.

In 1747 there were exported from Charlestown 200 weight of beaver skins and 720 hogsheads of deerskins, worth in Carolina currency nearly £400,000, probably about $300,000 of our present money.[2]

In Carolina, as a British province, sterling was the legal money; but unfortunately there was very little of it in this province or in any of the British provinces. The greatest part of their current gold and silver was foreign coin, the uniform value of which, as we have seen, had been fixed by a proclamation of Queen Anne in 1707,

[1] *Hist. of Upper So. Ca.* (Logan), 383.
[2] *Ibid.*, 382–385; Carroll's *Coll.*, vol. II, 237.

and was known therefore as "proclamation money."[1] But the demand for more circulating medium in a new country than could be furnished in coin was so urgent that the regulation was not regarded, and the confusion arising from the different values of British sterling and provincial current paper money became general throughout the colonies. The value of the dollar differed in the different colonies; in South Carolina it passed for £1 12*s.* 6*d.* The comparative value of sterling coin and paper money diverged so far from each other that after passing through intermediate grades it was finally settled at £7 of paper bills for £1 sterling. At this rate it assumed the character of currency as distinct from sterling, and formed, as it were, another denomination and species of money. Until the currency had assumed this fixed relative value, great confusion and trouble occurred in contracts, but in subsequent contracts engagements were made in conformity to the standard.[2]

Notwithstanding the restriction of the Navigation acts, the commerce of South Carolina was prospering under the Royal government, and in spite of war, pestilence, and fire the colony was growing rich. Each person, says Hewatt, had entire liberty to manage his affairs for his own profit and advantage, and having very little taxes to pay reaped almost the whole fruits of his industry. The best and most extensive market was open to the commodities he produced, and his staples increased in value in proportion to the great quantity raised and the demand for them in Europe. British manufactures he obtained at an easy rate, and drawbacks were allowed on articles of foreign manufacture that might be brought cheaper to the American

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 483.

[2] Ramsay's *Hist. of So. Ca.*, vol. II, 163, 164; Carroll's *Coll.*, vol. II, 256, 259.

market. Frugal planters doubled their capital every three or four years, and the progress toward independence and opulence was rapid. The plan of settling the townships, accompanied with Royal bounties, encouraged many oppressed people from Ireland, Holland, and Germany to emigrate, from which the province was filling up with thrifty and industrious settlers. Though many of these came from manufacturing towns, excepting a few who took up their residence in Charlestown, they procured lands and applied themselves to pasturage and agriculture instead of trade and merchandise. They raised hemp, wheat, and maize in the interior parts of the province, and curing hams, bacon, and beef, they supplied the market with abundance of provisions, and found that in doing so they had taken the shortest way to easy and independent circumstances.[1]

Governor Glen reported that there were no taxes upon either real or personal estate; the public revenues being all raised by three per cent duties laid upon spirituous liquors, wines, sugar, molasses, flour, biscuits, negro slaves, and upon all dry goods imported, and three per cent per skin upon all deerskins exported. These duties produced about £4500 per annum, out of which the yearly disbursements were:[2] —

Stipends to 10 ministers of the Church of England	£1,000
For finishing and preparing fortifications	1,000
For officers and soldiers doing duty in forts	600
To the Governor	250
For military stores	300
Accidental charges	400
Total	3,500
Which sum being taken out of	4,500
There would remain yearly to cancel bills of credit to that amt.	1,000

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 127, 128.

[2] Carroll's *Coll.*, vol. II, 259. There is a mistake of £50 in the addition.

The number of white people in South Carolina, including men, women, and children, he reported, was about 25,000, and the number of negroes 39,000. Of the latter the Governor says he is more positive because a tax is paid for them. He had computed the former by the number of men on the muster rolls for the militia, which is about 5000 between the ages of 16 and 60 years. Within three or four years before he wrote about 200 families of Germans had settled in the province, and about the like number from the British colonies; while on the other hand the number of inhabitants who had left the province was but five or six who had run away with their slaves to escape their debts.[1]

Of the white people $8\frac{1}{2}$ parts were planters, $1\frac{1}{2}$ traders, and 2 parts artisans. The white people were 12 per cent of the whole, Indian subjects 66 per cent, and negro slaves 22 per cent. The Episcopal party were $4\frac{1}{4}$ of 10 parts; the Presbyterians, including the French who retain their own discipline, $4\frac{1}{2}$; Anabaptists 1; and the Quakers $\frac{1}{4}$. The prices of labor were, currency, per day: a taylor 5*s*., a shoemaker 2*s*. 6*d*., a smith 7*s*. 6*d*., a weaver 3*s*., a bricklayer 6*s*., a cooper 4*s*., carpenters and joiners 3 to 5*s*., a laborer 1*s*. 3*d*. to 2*s*. a day with lodging and diet. Overseers of plantations, £15 to £40 per annum.[2]

[1] Carroll's *Coll.*, vol. II, 218. [2] *Ibid.*, 260.

CHAPTER XV

1751–55

In 1751 an act was passed[1] reciting that "the inhabitants of St. Philip, Charlestown, are become so numerous (and being daily increasing) that it is absolutely necessary to divide the said parish; and the present church being insufficient for accommodating the said inhabitants, many families (professors of the Church of England) in the said town are deprived of the benefit of divine service for want of seats in the said church," and directed that "all that part of Charlestown situate and lying to the southward of Broad Street shall be, and is hereby declared to be, a distinct parish by itself and separate from St. Philip's, and shall hereafter be called and known by the name of the parish of St. Michael." It directed also that a church be erected on or near the place where the old church of St. Philip, Charlestown, formerly stood, at a cost of not more than £17,000 proclamation money. In pursuance of this act, the corner-stone of the present edifice was laid, February 17, 1752, by his Excellency Governor Glen, which ceremony was followed by a grand dinner. The dinner over, his Majesty's health was drunk, followed by a discharge of the cannon at Granville Bastion. Then the health of the Royal family and the other Royal toasts were announced and drunk. The *Gazette* adds: The day was concluded with peculiar pleasure and satisfaction. The building of the church did not, however, progress

[1] *Statutes of So. Ca.*, vol. III, 753; VII, 80, 81; Dalcho's *Ch. Hist.*, 459.

much faster than had that of St. Philip's. The first vestry of St. Michael's was not organized until 1754, and the first service was not performed until February, 1761. The church is still well known for the beauty of its steeple, and is famed for its chime of bells, alike remarkable for their sweetness of tone and romantic history.[1] The cost of the building was £53,535 8*s.* 9*d.* currency, estimated at about $32,775.87. Of this £21,877 was subscribed for pews, and £31,656 15*s.* 9*d.* ultimately granted by the Assembly.[2]

In the division of the parishes the care of the poor was left to St. Philip's, and the church wardens and vestry of St. Philip's were authorized to assess and collect the taxes for the support of the poor as well upon the inhabitants of St. Michael's as upon the inhabitants of the parish of St. Philip's. The representation in the Assembly was equally divided between the two parishes, each was to send three

[1] These bells were purchased by public subscription. They first reached Charlestown in 1764. When the city was evacuated by the British army, in 1782, they were carried off by one of the officers. A merchant in London, who had formerly resided in Charlestown, bought them and reshipped them to the city. When they arrived the overjoyed citizens hauled them with their own hands to the church and replaced them in the steeple, from which they again rang out every evening at curfew and upon all occasions of rejoicing, tolled upon all of mourning, and summoned to worship upon every Sunday until 1862, very near a century. Then, upon the siege of the city by the Federal army, they were taken down and sent to Columbia for safety. There they were burned by Sherman's army in 1865. In 1866 the cracked bells and fragments were sent again to England to the successors of the house which had originally cast them, and, finding the original order, they were recast of the same amalgam and in moulds made with the same trammels. Strange to say, no difference whatsoever could be distinguished in their tones from of old. The curfew was rung on the bells, save during the war, until September 4, 1882, a period of 162 years.

[2] *Year Book City of Charleston* (Courtenay), 1886. *The Parish Church of St. Michael's*, etc., by George S. Holmes.

members. It was provided that it should be lawful for the inhabitants of either of the two parishes to bury their dead in the parish of the other.

The fourth great cyclone or hurricane, as it was then called, that visited the coast of South Carolina since its occupation by the English, occurred in 1752. Like those of 1700, 1713, and 1728, this too occurred in the month of September. Hewatt has left a very vivid account of this tempest[1] which has been followed by Dr. Ramsay,[2] who adds that when he wrote, which was in 1809, the few surviving chroniclers who were witnesses of its devastation still frequently took a mournful pleasure in reciting the particulars to their listening grandchildren and great-grandchildren. During the months of June, July, and August of that year the weather had been warmer than any of the inhabitants then alive had ever experienced, and the mercury, which in the shade often rose above 90 degrees, was at one time observed to reach the 101st degree of the thermometer, and exposed to the sun it rose above the 120th. For nearly twenty successive days it varied between 90 and 101 degrees. It was observed that in such cases the wind usually proceeded from the northeast, directly opposite to the point from which it had long blown before. It was also observed that such storms seldom happened except in seasons where there had been little thunder, when the weather had been long exceedingly dry and intolerably hot.

On the night of the 14th of September, the wind being at northeast, it began to rise and to blow with increasing violence until the next morning. Then the sky became wild and cloudy, and a drizzling rain began to fall. About nine o'clock the flood came rolling in, with great

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 179–182.
[2] Ramsay's *Hist. of So. Ca.*, vol. II, 317.

impetuosity, and in a little time rose ten feet above high-water mark at the highest tide. The town was soon overflown, and the streets covered with boats and wrecks of houses and ships. Before eleven, all the ships in the harbor were driven ashore, and sloops and schooners were dashing against the houses of Bay Street, in which great quantities of goods were damaged and destroyed. Except the *Hornet* man-of-war, which by cutting away her masts rode out the storm, no vessel escaped damage or wreck. The terror and consternation which seized the inhabitants may be more easily conceived than expressed. Finding themselves in the midst of a tempestuous sea, and expecting the tide to flow till one o'clock, its usual hour, at eleven they were driven to the upper stories of their houses, and there remained, despairing of life. At this critical time however, Providence, says Hewatt, mercifully interposed and surprised them with a sudden and unexpected deliverance. Soon after eleven the wind shifted, in consequence of which the waters fell five feet in the space of ten minutes. Had the waters continued to rise, and the tide to flow until the usual hour, every inhabitant of Charlestown must have perished. Almost all the tiled and slated roofs were uncovered, several persons were hurt, and some were drowned. The fortifications and wharves were almost entirely demolished. The provisions in the fields on the coast were destroyed, and numbers of cattle and swine perished in the waters. The pesthouse on Sullivan's Island, built of wood, with fourteen persons in it, was carried several miles up Cooper River, and nine of the fourteen were drowned.[1]

A flagrant instance of the evil of which Governor Glen

[1] See the most interesting particulars of this great storm and its incidents collected by Dr. Prioleau in a note to Ramsay's *History*, vol. II, 320, 326. It is remarkable that this was the last storm to visit the coast

had complained in his letter to the Duke of Bedford now occurred. Chief Justice Graeme, who had superseded Chief Justice Whitaker, had not lived a year after his appointment. He died on the 7th of September 1752,[1] whereupon Governor Glen appointed Mr. Charles Pinckney, who entered upon the duties of the office, which he discharged with diligence and ability for a period, of six months, when he was superseded by Mr. Peter Leigh, who arrived in the province with a commission from the King, appointing him in the place of James Graeme, deceased, thus ignoring altogether the Governor's appointment of Mr. Pinckney.

The circumstances of Mr. Pinckney's displacement and of Mr. Leigh's appointment deserve more than a passing notice; indeed, they were, no doubt, among the earliest influences in weaning the colonists from the mother country.

Charles Pinckney was eminently fitted for the position. He was, as we have seen, the son of Thomas Pinckney, who had settled in Carolina in 1692. Mr. Pinckney had been educated in England, and returning became a successful lawyer and accumulated a large fortune.[2] He had been Attorney General in 1733. We have seen him in 1735 heading the Commons in their opposition to the Councils' amending or altering tax bills. He was Speaker of the Commons from 1736 to 1738, and again in 1740. He was probably the first native lawyer in South Carolina, and was not only an excellent lawyer, but a man of the highest character. But these qualifications were of no consequence in the estimation of the ministers of the

of South Carolina for a period of over fifty years; the next of any severity occurring not until 1804.

[1] *So. Ca. Gazette*, September, 1752.

[2] *Life of General Thomas Pinckney*, by his grandson, Rev. C. C. Pinckney, D.D., Houghton, Mifflin & Co., 1895, 6.

Royal government when the place which he filled was wanted for some one at home for whom the government desired to provide. The case is an illustration of the manner in which colonial offices were used as places to be given in reward of partisan services, which could not be well compensated at home.

Lord Trentham, son of the Earl of Gower, in 1749, during the administration of Pelham, having accepted a place at the Board of Admiralty, and thereby vacated his seat in the House of Commons for Westminster, offered himself a candidate for reëlection. Whereupon the opposition put up a candidate, and the election was vigorously contested and long protracted. It happened that Mr. Peter Leigh, a gentleman of ancient family, an eminent counsellor in England, was High Bailiff of Westminster, and as such was the manager and returning officer of the election. After a long delay Mr. Leigh returned Lord Trentham, as elected. There was great excitement over the result. The opposition was greatly exasperated, and did not hesitate to charge corruption and a false return. Measures were taken looking to an indictment, but though these were defeated, and though a letter written by the agent of the opposition candidate commending Mr. Leigh for his impartiality and integrity in the conduct of the election was produced, it was deemed prudent by the government to disarm the opposition by the sacrifice of Mr. Leigh, and he was required to vacate the office of High Bailiff of Westminster.[1] But as Mr. Leigh was their sacrifice he had otherwise to be pro-

[1] The case was a very famous one, owing to the proceedings taken upon the refusal of Mr. Alexander Murray to kneel at the Bar of the House of Commons to receive a reprimand for his conduct in the matter, and the libel suits which grew out of it. Coxe's *Pelham*, vol. III, 182; *Parliamentary Hist.*, vol. XIV, 570; Johnson's *Life of Green*, vol. I, 256.

vided for by the government he had so well served, and so Mr. Pinckney, a native lawyer of Carolina, was made to give way to this gentleman who had been at least under suspicion of improper conduct in a former office. Mr. Leigh was, however, a man of ability, a good lawyer, and he filled the position of Chief Justice of the province for seven years without giving the least cause of suspicion as to his integrity. But the fact remained that Mr. Pinckney, an able lawyer, and an upright man, a native of the province, was made to give way for this stranger. The incident was a warning that no native-born Carolinian need aspire to the higher positions in the province. These were reserved for the placemen around the crown at home.

The old question which had first been agitated by Chief Justice Trott, in 1702, under the Proprietary government, in relation to the nature and character of the council as a parliamentary body, and which had been so often the subject of controversy since the establishment of the Royal government, was now again the subject of discussion. Mr. James Crockat, who, since 1749, had been the agent "to solicit the affairs of the province in Great Britain," as his duties were described in the ordinance appointing him,[1] finding the affairs of the province interfering with his own business, had asked to be relieved, and in the settlement of his accounts claimed remuneration for services which the Council disapproved. The House of Commons refused to relieve him, and ordered the Speaker to continue him in the position, pledged that body to see him paid as he claimed, and for that purpose made provision in the tax bill. The Council objected to the items in the bill sent them providing for this payment, and as the House of Commons would not

[1] *Statutes of So. Ca.*, vol. III, 723.

strike them out, rejected the bill. Upon this the House of Commons came to the resolution of putting an end to the practice of sending the public accounts to the Council for their instruction — a custom they now asserted which had been introduced through inadvertence, and by those who either could not have been acquainted with, or did not duly attend to, the constitution of the mother country; for such a practice they averred was improper, unparliamentary, and could not be supported by a single precedent from the practice of parliament in Great Britain, whose example they said it would always be their highest ambition to imitate.

The same question, viz. as to the right of the Council to amend a tax or supply bill sent them by the Commons' House, arose also in another way. The great storm of 1752 had shaken the foundations of Granville's Bastion and swept away the fortifications on the Bay. Upon this William Girard de Brahm, formerly a captain in the service of Charles VI, — a comrade, probably, of Oglethorpe's, — who had been engaged in establishing a settlement at Bethany, in Georgia, who was a surveyor and a man of scientific attainments, was sent for, and projected a sea wall and line of fortifications of considerable magnitude for the times. The work was undertaken and under his supervision had so far progressed in May, 1756, that the sea was dammed out from Granville's Bastion to Broughton's Battery, that is, the whole length of the present East Battery, and was indeed the foundation of the magnificent sea wall and promenade which constitutes to-day one of Charleston's greatest attractions.[1] Three bastions

[1] It must not be supposed, however, that the lines of the present Battery are the same as those laid out by De Brahm. His lines ran diagonally from Granville's Bastion, as in the text, to Broughton's Battery, which was situated at about the corner of South Battery and Church Street, and

were erected on the point of what is now the junction of East and South Batteries, capable of mounting 150 pieces of cannon; the work had then already been raised above high-water mark; from Broughton's Battery to Conseillere's Creek it was continued, and three more bastions erected. The whole town was to be fortified in the same way if the important design was encouraged. The *Gazette*, from which this account is taken,[1] describes the work as having the front toward the rivers and the sea faced with facines laid in, covered with mud staked together and the outside paved with stones and oyster shells. The facines, it was found, answered as well in the boggy marsh as upon high ground, and the last year's experiment had taught, the *Gazette* said, that the sea rather brings ground to the wall than washes any away. To carry on this work and to build a fort in the Cherokee country, as Governor Glen had promised, the House of Commons sent to the Council a bill to authorize the issue of £41,000. This the Council rejected because the bill provided no means of retiring the bills thus to be issued. The House twice sent back the bill, and twice it was rejected.

Upon this the Commons' House, on the 29th of April, 1756, presented a remonstrance to Governor Glen, in which they appealed to his Excellency that if he should be of the opinion that the Assembly had shown any backwardness in the granting of aids to his Majesty's service, as had been adequate to the circumstances of the people they represented, or that they assumed any power or privilege whatever not belonging to them, or which was not exercised by the House of Commons in Great Britain, that his Excel-

then ran to Conseillere's Creek, which was probably near Gibbes Street. See Map, Frontispiece to Mayor Courtenay's *Year Book*, 1883.

[1] *So. Ca. Gazette*, May 6, 1756. See also De Brahm's *Report of the Work; Documents connected with So. Ca.* (Weston), 204.

lency would be pleased to dissolve the present General Assembly immediately. On the other hand, they asked if his Excellency was of opinion that the members of the Council were wrong, his Excellency would be pleased to suspend such of them as had been the occasion thereof, and appoint others who had the service of his Majesty and the security and welfare of the province more at heart.

Governor Glen, still resenting his exclusion by the Council from their deliberations when sitting, as they claimed, as an Upper House, at once took the part of the Commons, and in reply to the remonstrance addressed them at great length: "Till of late," said he, "I truly thought this the happiest province in America, for tho' we heard of fierce disputes in other governments, yet all was harmony here, and peace seemed to have taken up her residence and become an inhabitant of South Carolina. But alas! she appears now to have taken her flight. . . . You appeal to me, if I think you in the wrong I may dissolve the present General Assembly. Had I thought you in the wrong, gentlemen, I would have told you so long ago — it would have been my duty to have spoken to you in the constitutional language of adjournment, prorogation, and dissolution. But can a governor blame behavior that is parliamentary? Did any assembly in the country grant such ample supplies to his Majesty as you have cheerfully given? Did ever any assembly in this country give such proofs of patience, temper, and moderation as this assembly? And as other things redound greatly to your honor, it were unjust in a governor to refuse you this public testimony of applause that you now well deserve. I would willingly stop here; but justice requires me to go further, and to say that I am of opinion that the Council has done wrong in not proceeding with the tax bill. This seems to be no juncture for disputing questions about rights

and privileges. Such points ought not now to be pressed when the delays and difficulties that we occasion by moving in such matters must draw us into imminent danger and may prove fatal to us."

His Excellency was not, however, prepared to break entirely with the Council, so he changed somewhat his tone in regard to that body. Upon the whole he could wish, he said, that the tax bill more nearly resembled the acts granting supplies in the mother country. He thought the Commons might have sent the accounts to the Council upon which the schedules to his tax bill were founded. On the other hand, he thought the Council might have acted upon the tax bill without having the accounts, as they had other and, in his opinion, better methods of obtaining the information necessary for their action. To the request of the Commons that he would suspend the members of Council who were obstructing business, the Governor declares that as yet he cannot find any sufficient cause for doing so. "I think it a duty incumbent upon me in the station I have the honor to be in," he says, "to assert the Council's right of rejecting bills, and to assure you that when it appears that any of the members wantonly exercise that right, I will, with the consent of the rest, suspend them; but upon looking into the journals, I cannot find sufficient grounds for fixing such a charge. Perhaps a little more time may give more light."

In the *Gazette* of May 13 there appears a very interesting review of the history of the parliamentary organization of the colony, and a clear and able statement of the views of those who questioned the position of the Council as an Upper House.[1]

[1] The paper appears over the signature of T——s W——t. Probably Thomas Wright, son of Chief Justice Robert Wright, who had been an officer in the invasion of Florida under Oglethorpe.

The writer maintains that under the Proprietors there were but two estates — the Lords Proprietors and the people. The Lords Proprietors had a Governor who represented the Palatine, and the Lords had each his deputy who consented to measures, each for his constituent or principal. The Governor with these deputies sat in council and each gave his consent to all laws he approved. The scheme of the Lords Proprietors to found a nobility to constitute an Upper House failed, so that there remained but the two estates — the Lords Proprietors and the people. This constitution he argued was in no wise altered when his Majesty was invested with the estate of the Proprietors. Since then there was no nobility: the government of the province could not in that respect be like to that of England — one estate or part of the British constitution was wanting. This being so the government came as near to the practice of Great Britain as possible by passing laws in the Assembly, and confirming or assenting to them by the Governor.

The parliament of England was composed of King, Lords, and Commons, the two Houses agreeing and uniting in a proper balance of power between the King and the people. But, argued the writer, if his Majesty's authority is represented by the Governor, which constitutes one estate of our legislature, and his Majesty further appoints a council to preside in the nature of an Upper House or House of Peers, the members of which are appointed by him *durante bene placito regis*, such an appointment must necessarily destroy the balance, and be contrary to the usage of the mother country. "I dare venture to affirm," continued the writer, "that no instructions to his Majesty's various Governors ever called the Council an Upper House, nor can the Council produce any instructions to any Governor where any words can imply them to be a House of

Peers." A challenge which, as we shall see, the Council pretty fairly met.

The writer pointed out the anomaly of the Council sitting as an Upper House, and agreeing to a measure, which the Governor afterward, though presumed to be acting under the advice of his Council as a cabinet, refused to assent to, and pointed among others to such a case which had just occurred, in which a bill was passed by the assembly for granting his Majesty £40,000 to be sent to Virginia to assist in defraying his Majesty's legal rights there, and approved by the Council sitting as an Upper House, and yet lost by the refusal of the Governor to assent to it.

The writer ridiculed the absurdity disclosed by messages sent down by the Council as an Upper House, and concluding with the attestation of a *Clerk of Council*. He argued with much force that the Lords in England had no vote for parliament men; they were independent, and could not be displaced at the pleasure of a minister; the Peers were hereditary counsellors of the King and kingdom. The councillors in Carolina were dependent and held their office at the pleasure of the King; they voted for members of Assembly. Could they represent themselves and be represented? The members of the Council could be suspended by the Governor; could a peer of England be suspended by the King?

With great ability the writer points out the true nature of the Royal instructions to Governors and their constitutional limitations. Instructions from his Majesty to the Governor or the Council, he observes, are binding on them, because if they are disregarded by either, the Governor or councillor might immediately be superseded. But if instruction should be laws and rules to the people of the province, there would be no need of assemblies, and

all their laws and taxes might be made and levied by instructions. "'Tis certain," he adds, "many instructions to the Governors of colonies have never been carried into execution, the people not thinking it was proper to pass laws for such purpose."

The Council appointed a committee consisting of the Honorable John Cleland, William Bull, William Wragg, George Saxby, James Michie, and Othneal Beale to prepare a reply on the part of that body to the remonstrance of the Commons and the Governor's reply. This the committee did, and their reply was adopted and ordered to be published in the *Gazette*. This vindication of the Council, as it was termed, treated the subject in a more practical and less theoretical manner than did the remonstrance and the paper published in the *Gazette*, from which we have quoted.

The general charge, said the vindication, is that the public credit is sunk to so low an ebb that the public service cannot be carried on with necessary vigor and dispatch, since the passing of a tax bill is become so precarious and uncertain. The particular dangers arising from this condition are (1) that the Governor will be unable to fulfil his engagement with the Cherokee Indians; and (2) that the money provided last year for erecting the fortification to defend the metropolis being nearly expended, a stop must be put to that necessary work. The Council go elaborately into the history of the controversy, claiming they had done all they could to facilitate the building of the fort for protection against the Indians, and charge that in their efforts they had not been supported by the Governor. They ridicule the Governor's pathetic figures of the wounded, bleeding, and expiring public credit, especially in view of the fact they state that in less than two days a few persons in Charles-

town alone had raised by subscription near £40,000 to carry on the building of the fort in the Cherokee country, not to be given but *lent* in the general faith of the public. If the public credit had fallen as low as the Governor represented, how was it that so large a sum could so easily be raised upon it?

The Council concerned themselves little with the question as to their style. It is immaterial, they said, whether the persons exercising the second branch of the legislature are called Deputies, Council, House, or Board, as the Assembly affect to call them. The House of Peers are known by various names, — House of Lords, House of Peers, and Upper House of Parliament. The name makes no difference in the substance and essence of the thing and the powers belonging to it. Leaving this without further discussion, they turn upon the Assembly and question its own organization.

It would be comparing great things with small, they said, to mention the province in comparison with the mother country. This province and its legislation are entirely subordinate and dependent. Its powers are derivative and not original, and it can no more prevent its being subject to the control of the Crown than it can make laws to bind the kingdom of Great Britain. The whole power springs from the Crown. The Assembly's power as a branch of it must undoubtedly be derived from the same source, for they claim their privileges in that respect from the charter, and that was given by the Crown. Without this power, which is of the kind with those given to corporations for making by-laws, they could not exercise any legislation at all.

But even in England, while it was true that the Commons constantly asserted the right in question in regard to money bills, the Lords had never allowed that right,

as their journals will amply testify. The right then must be derived from (1) length of practice, or (2) from some fresh grant of power. There was no such grant. Was there any such length of practice? From the beginning of the government in this province the accounts relating to expenses received for the public service have always undergone examinations of both Council and Assembly. The Council had been challenged to show an instance in which that body had been mentioned in any instruction to a Governor in words that would imply them to be a House of Peers. They certainly could not do so if regard was had to the qualifications of the members of the Council; but they could very effectually do so if regard was had to the very powers of the body now in dispute. And this the vindication of the Council proceeds to point out. It calls attention to the eleventh section of the Election act passed under Governor Nicholson's administration, which limits the powers and privileges of the members of the Commons' House of Assembly to such as are according to his Majesty's thirty-fifth instruction.[1] And this instruction which they quote distinctly recognizes the Council as a House of Assembly, and especially authorizes it as such to alter and amend money bills.[2] This instruction recites as the occasion of its requirement that members of several assemblies in the plantations had of late years assumed to themselves privileges no ways belonging to them, among which were the taking "upon themselves the sole framing of money bills, refusing to allow the Council to alter or amend the same, which was contrary to his Majesty's prerogative," and was therefore forbidden. The vindication asserts that this privilege had been exercised in this province without question until 1735, at which time the first precedent is found of the

[1] *Statutes of So. Ca.*, vol. III, 138. [2] *Ante*, chap. II, 20.

Commons claiming a sole right of framing, altering, and amending bills. The claim was again made in 1739 and as peremptorily denied, but as the province was on the verge of a war with the Spaniards in Florida, and was preparing for the expedition under Oglethorpe, it was agreed that the Council might suggest amendments which would be formally offered by the Commons.

It is interesting to observe that in this discussion, ably conducted as it was, nothing is suggested as to the great parliamentary advantage in itself of having two houses or bodies sitting and acting separately, and so constituted that the one should represent the conservative sentiment of the community; while the other would be under the influence of the popular impulse of the day, and thus constitute a check; the one upon the other, — the popular branch infusing life and vigor into legislation, while the conservative body restrains reckless legislation. Nothing was suggested as to the danger of all singular numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious actions, and the consequent necessity for a second branch of the legislature, the length of tenure of which should render it less amenable to temporary influences.[1] These theoretical questions were not considered. The question discussed was this: Accepting the maxim that the government must be as near as possible to that of Great Britain, was the Council in its *nature* such a body as the House of Lords in England? Could anything but an hereditary, independent class constitute such a body? It was not considered whether the British constitution was or was not sufficiently imitated by having the Council, however constituted, to act as a separate body from the House of Commons, considering anew, debating

[1] *The Federalist*, 286.

and passing upon each measure, uninfluenced by the action of the Commons, or whether such a separation was or was not of advantage. The discussion was limited almost entirely to the personal constitution of the Council. Could an Upper House consist of anything but of a privileged class — a nobility? There perhaps lurked in the opposition to the claim of an Upper House the fear of thereby constituting, in the province, something like to a privileged class — a nobility — which, after overthrowing the Landgraves and Caciques, the people were by no means disposed to do.

During this discussion the *Gazette* of April 3, 1755, announced the death of the first Lieutenant Governor, William Bull. He was born in the province in 1683, and died on the 21st of March, 1755, at Sheldon, his country seat, in Prince William's Parish, and was interred in the yard to the church, which, the *Gazette* observes, was said to be the most elegant and complete country church in America,[1] and which he was the principal instrument in building. When the news reached the town on the 22d, the forts and all the vessels in the harbor hoisted their colors in mourning, and minute guns were fired from the bastions and the vessels in the harbor. Governor Glen summoned the Council, and addressed them in

[1] "Sheldon Church, Prince William's Parish. It has been the fate of this venerable church to pass through two revolutions, and to experience the same fortune in each. It was burnt by the British in 1780, on their march from Savannah to Charleston, and it was burnt again by the United States army on their march from Savannah to Charleston in 1865. It had previously been stripped of pews and furniture by the negroes. All that was combustible was consumed except the roof, which was above the reach of fire, and its massive walls survive the last as they did the former conflagration." — *Report of Committee on the Destruction of Churches in the Diocese of So. Ca. during the Late War.* Prot. Episcopal Convention, May, 1868.

a very impressive manner. After recalling his long and varied services to the province in which he was born, in the field, and in the council, and as Chief Magistrate he pays this graceful tribute to his character : —

"In whatever light to be viewed, he will appear to advantage. But the many excellent laws that he passed speak his praises better than I am able. He was careful in passing those laws; he was vigilant in executing them; he procured obedience to them, not so much by the weight of his powers, as by the authority of his own practice; for no man was more obedient to the laws than himself. You all have reason to lament the loss of him, but I, most of all, for I was frequently benefited by following his advice, more frequently by imitating his example, and where I could not equal, I endeavored to copy after him. I shall bequeath this advice to my successor: Go, and do thou likewise."

CHAPTER XVI

1753–55

Beyond the part of the province which had thus far been settled by the English, the Huguenots, the Irish, Welch, and Germans; beyond the points on the rivers to which they had pushed their canoes and carried their periaguers; and beyond the sand hills which stretch in a belt, from twenty to forty miles from the Savannah River to the upper part of the Pee Dee, and thence into North Carolina, and which in some of the first maps is marked Deserta Arenosa, — the Great Desert,[1] — where we first come to the falls of the great rivers, lies the territory which used to be designated as the Up Country, or as Mr. Logan in his admirable work calls it Upper South Carolina, the magnificent domain now teeming with population and wealth, excelling in agriculture, and abounding in manufactures, which constitutes the present counties of Abbeville, Anderson, Edgefield, Greenville, Oconee, Pickens, Newberry, Laurens, Union, Spartanburg, Fairfield, Chester, Lancaster, York, Kershaw, and Richland.

The landscape of this country, when first visited by the English, was neither wholly rugged with mountains nor monotonously tame with unbroken plains, but a series of mingled elevated ranges, undulating hills, and flowing vales, forming a glorious analogue of the true Scotch-Irishman's heart and nature. Interspersed with forests

[1] *Year Book City of Charleston* (Courtenay), 1886, 248.

and prairies and vast brakes of cane, — the latter often stretching in unbroken lines of evergreen for hundreds of miles from the alluvial country on the coast to the interior sources of streams, says Logan, — it was not surpassed in picturesque beauty and grandeur by the best portions of Texas; and its virgin soil was not inferior to that of the same boasted state. When the hunters and cow drivers first penetrated this region there were considerable portions of it as destitute of trees and as luxuriant in grass and flower as any prairie of modern times. Through this country the Catawbas and the Cherokees roamed. It abounded in wild horses, buffaloes, bears, deer, elk, panthers, and other wild animals.

A country, says the same author, then abounding in magnificent woods and prairies and so rich in its production of animal life, must have offered, as do similar regions of the West at the present day, rare attractions to the hunter and stock-raiser; and if all information on the subject had been wholly lost, it would not be difficult to conjecture what sort of men first ventured to penetrate its unexplored wilds.

Three remarkable classes of men preceded by several years the regular settlers of northwestern Carolina; these were the hunters, cow drivers, and Indian traders. The hunter, though no pioneer, — for he appropriated no lands, levelled no forests, and cultivated but little soil, — yet served by his adventurous life many valuable purposes; he conciliated the jealous savages, impressed them, as Indians were easily impressed, by his romantic courage and unrivalled skill in the use of the rifle, with sentiments of respect for the character and prowess of white men, and brought back from his wanderings to the border settlements glowing accounts of Elysian fields he had seen in the wilderness, and thus opened the way to the most eli-

gible sections for succeeding groups of advancing settlers. Thus Logan relates that Patrick and William Calhoun, the pioneers of western Abbeville, were induced to visit the Long Canes by descriptions of the fertility and loveliness of the country there which they had obtained from a band of hunters at the Waxhaws.[1]

Not far from the log hut of the hunter stood that of the cow driver — a character likewise worthy of note. Besides his association with the Indians and these gloomy wilds, there was little romance about him; yet his life was one of self-reliance, hardship, and active vigilance, and in it were trained for eminent usefulness many of the backwoods soldiers of the Revolution. Logan mentions General Andrew Williamson of White Hall as one that had been a cow driver in his youth on the Cane Pastures, and that in 1740 Thomas Nightingale, the maternal ancestor of the Johnsons of Charlestown, had established a cow pen six miles from the present site of Winnsboro.

A cow pen was quite an important institution. It was usually officered with a superintendent and a corps of sub-agents — all active men, experienced woodsmen, and unfailing shots at long or short sight with the rifle. For these a hamlet of cabins was erected beside the large enclosures for the stock, all of which, with a considerable plot of cleared land in the vicinity for the cultivation of corn, made quite an opening in the woods; and when all were at home, and the cattle in the pens, presented a very noisy, civilized scene in the midst of the savage wilderness. These rude establishments became afterward, wherever they were found, the centres of settlements, founded by the cultivators of the soil, who followed just behind the cow drivers in their enterprising search for unappropriated productive lands. These embryo set-

[1] *Hist. of Upper So. Ca.* (Logan), 150.

tlements never failed to afford abundant possessions, some society, and sure protection from the Indians and from the no less terrible white marauders who now began to infest the border.[1]

But the Indian trader, says Logan, was a far more interesting character than either the hunter or the cow driver. Devoted as he was to the arts and wrangle of gain, he nevertheless possessed not only a fearless intrepidity, but a high order of intelligence, and in more than one instance education and learning.[2] He advanced without ceremony into the heart of Indian settlements, and for the sake of pushing his lucrative business was content to live, in many instances, a long lifetime deprived of the comforts and amenities of civilized society. Anthony Park, one of the first settlers of the back country, and who lived to a very advanced age in Newberry, travelled in 1758 some hundred miles among the Indians to the west of the Alleghany Mountains. He found several white men, chiefly Scotch or Irish, who said they had lived among the Indians as traders twenty years, a few from forty to fifty, and one sixty years. One of these said he had upward of seventy

[1] *Hist. of Upper So. Ca.* (Logan), 151–153.

[2] As an illustration of this, see the able and learned treatise by James Adair, Esq., a trader with the Indians and resident in their country for forty years, entitled, *The History of the American Indians, Particularly those Nations adjoining to the Mississippi, East and West Florida, Georgia, South and North Carolina, and Virginia, containing an Account of their Origin, Language, Manners, Religious and Civil Customs, Laws, Form of Government, Punishments, Conduct in War and Domestic Life, their Habits, Diet, Agriculture, Manufactures, Diseases and Method of Cure, and Other Particulars sufficient to render it a Complete Indian System, with Observations on Former Historians, the Conduct of Our Colony (So. Ca.), Governors, Superintendents, Missionaries, etc.*, London, MDCCLXXV. In this work the author maintains with observations and arguments that the American Indians were descended from the Jews. Adair was not only well versed in the Indian dialect, but was also learned in the Hebrew and Latin languages.

children and grandchildren in the Nation. If these accounts be correct, says Logan, the oldest of these traders must have taken up his abode among the savages four hundred miles to the west of Charlestown before the close of the seventeenth century, when the white population of Carolina scarcely extended twenty miles from the sea-coast.[1] In 1690, several years before the English settlers on the Ashley knew that such a people as the Cherokees existed, one Daugherty, a trader from Virginia, ventured to take up his residence among them for the purpose of traffic.[2]

The Indian trade, until 1716, was conducted solely under the auspices of individual enterprise. The system of exchange was exceedingly advantageous to the English adventurer; for a few trinkets, looking-glasses, pieces of colored cloth, hatchets, and guns of small value, he could procure, on the Savannah and Catawba, peltries which in Charlestown would command many times their original cost. But in that year, partly for the sake of its enormous profits, and partly with the design of having better control of the Indians in view of the public safety, the Proprietary government assumed the direction of all its affairs, and conducted it thereafter as a great public monopoly.

Next to the traders, says Logan, the most interesting characters employed in the Indian traffic were the pack-horsemen. These frequently consisted in part of boys, under the direction of an experienced *voyageur*, and their life was one of exposure, hardship, and not unfrequently of thrilling adventures. In peace and in war, in every vicissitude of weather, they were found upon the path.

[1] *Hist. of Upper So. Ca.* (Logan), 167, 168; Ramsay's *Hist. of So. Ca.*, vol. I, 209.

[2] Ramsey's *Annals of Tennessee*; Logan, *Ibid.*

When menaced, it was usual for several caravans to unite for mutual protection; yet they were not unfrequently attacked, the drivers and traders murdered or routed, and their horses and goods seized by the marauders.[1]

Peter St. Julien resided near Dorchester, and from his residence the trails to the Congaree and Chickasaw diverged. His place was a great camping ground, and the Board of Indian Trade deposited corn there for the use of the caravans. A caravan on the latter route leaving Charlestown stopped first at St. Julien's, thence it proceeded to Wasmasaw, then to the Ponds and to Edisto, and thence to Fort Moore, or Savannah Town — a short distance below the present site of Hamburg, opposite Augusta, Georgia. This much of the old Creek and Chickasaw's trail formed the larger part of the first path of commercial communication opened between Charlestown and the Cherokees. Soon after the erection of a factory at Savannah Town, under the protection of Fort Moore, the Indians themselves cut a trail from their towns down the east bank of the Savannah to that place, of sufficient width and straightness for the conveyance of peltries and goods on the backs of "burdeners." As the traffic increased it gradually enlarged, and by the time the trading houses and forts were erected at Augusta, in 1736, under the auspices of Oglethorpe, it had become a thoroughfare for caravans of packhorses.[2] A caravan taking the Congaree trail would likewise make its first camping ground at St. Julien's. From that point it would follow up the east bank of Four Hole Creek toward the nearest point of the Santee, thence across Amelia township, passing the site of Orangeburg, to the Congaree and up that river to the forts at the Fall, that is, Granby, near Columbia. Beyond these it would follow the southern bank of the

[1] *Hist. of Upper So. Ca.* (Logan), 311. [2] *Ibid.*, 315–317.

Saluda to the spot where in after years the fort at Ninety-six was built and where it fell into a path that, Logan says, was no doubt even then known as the great Keowee trail.[1]

Fort Moore and the Congarees were the only garrisoned posts erected on the border by the government, at this early period, for the protection of the Indian trade, and the first horse-paths from Charlestown to Augusta touched at these points in their course. In process of time the peltry traffic was greatly increased, and the Cherokees soon grew so dependent upon the English for all the necessaries of life that their enlarged commerce required if not a wider, a more direct, thoroughfare than either the Chickasaw or Congaree paths. It was then that packhorse trains began to frequent the Keowee trail throughout its whole extent; and it became a great central highway of communication between Charlestown and the interior and the mountain valleys of the Cherokee Nation.[2]

Logan calls attention to the fact that nearly the entire railway system which had been constructed at the time he wrote, 1859, followed almost precisely on the routes of the old Indian peltry trails of her infant commerce. The South Carolina railway between Charlestown and Augusta passing over the line of the Chickasaw and Creek paths. The Greenville and Columbia along that of the Cherokees, and the Columbia and Charlotte, on the ridge between the Broad and Catawba rivers, on the old path that led from the Catawbas to the Congarees.

But this magnificent domain into which the English hunters, new farmers, and Indian traders were thus pressing was not admitted without question to belong to Great Britain. The colony of Georgia was now interposed between the Carolinians and the Spaniards in Florida;

[1] *Hist. of Upper So. Ca.* [Logan], 224. [2] *Ibid.*, 225.

but her western frontier was still exposed to the claims of France. Firmly established in Canada and Louisiana, France was rapidly connecting these extreme points by a chain of military posts, stretching through the entire length of the Mississippi Valley, and, having formed close commercial alliance with several of the most powerful tribes of the continent, her triumph was apparently, beyond peradventure, not far distant. Her design was to secure the possession of the great valley, and having circumscribed the English colonists within their narrow belt along the Atlantic, when everything was ready for the blow, to fall upon them, with the hordes of their savage confederates, and exterminate or drive them from the soil.

In an old map, constructed previous to 1741, by M. de L'Isle, geographer to the French King, a definite line is traced, marking the eastern limit of France's assumed domains on the American continent.[1] It set out from a point near Charlestown, ran northeastward to Cooper River, — which it crossed some sixty miles from the ocean, — passed the Santee one hundred miles from its mouth, turned northwestward along the eastern bank of that stream till it reached the Catawba, pursued this tributary into the Alleghany Mountains, followed that course around the head waters of the Potomac to the Susquehanna, — crossing it at a point some sixty-five miles from the head of the Chesapeake Bay, — ran thence up the eastern bank to the North Branch, and along that stream to the Mohawk, — which it crossed some fifty miles above its junction with the Hudson, — thence to a point near the lower extremity of Lake Champlain, and along the channel of that water to the mouth of the Sorrelle, by which it finally passed to the River St. Lawrence. The sandy strip

[1] *Hist. of Upper So. Ca.* (Logan), 333. The map accompanying Cox's *Carolina*, mentioned by Logan, is still in the Charleston Library.

of country lying between this imaginary defiant line of frontier and the ocean was all that was allowed England for her portion of the continent. Through all the immense territory between this strip and the Mississippi, English and French emissaries were alike alternately stirring up the Indians against each other.

In the year 1752 South Carolina was nearly involved in an Indian war, but happily escaped. The Creeks having quarrelled with the Cherokees, killed a party of the latter near the gates of Charlestown, and among other outrages they had scalped a British trader. Upon Governor Glen's demand for satisfaction, however, the Indians, by their orator, Malatchee, at a public congress held for that purpose, apologized for their conduct; and peace was preserved.[1]

Though not actually declared until 1756, the Seven Years' War between England and France really began in America as early as 1754. The French settlers in Canada and those on the Mississippi, even before that, as we have said, were assiduous in forming a connecting chain in rear of the British colonies on the Atlantic, and for this purpose were exerting every influence with the Indians. The British were pursuing a similar policy in resistance, but less extensive and with less success. Hostilities had begun in the northern provinces.

It happened that about this time Lieutenant Governor Dinwiddie of Virginia, probably not realizing the vital importance of his relations to the Indians to South Carolina, but desirous of securing to his commonwealth a larger share of their trade, had taken steps to entice the four great southern tribes from their alliance with this province, and their dependence upon her for the necessaries of life. Governor Glen was thoroughly aroused.

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 173, 178; Ramsay's *Hist. of So. Ca.*, vol. II, 166.

No one, says Logan, better knew than he the political importance of the Cherokee and Catawba trade to Carolina or better understood the Indian character. He immediately addressed a letter to the Governor of Virginia, couched in terms of strong remonstrance.[1]

"South Carolina," he wrote, "is a weak frontier colony, and in case of an invasion by the French would be their first object of attack. We have not much to fear, however, while we retain the affection of the Indians around us; but should we forfeit that by any mismanagement on our part, or by the superior address of the French, we are in a miserable situation. The Cherokees alone have several thousand gunmen well acquainted with every inch of this province — their country is the key to Carolina. We have been greatly alarmed by the behavior of the Virginians in regard to the Cherokees. Few or no Indians are in treaty with Virginia. By long experience we have become thoroughly acquainted with their nature and inclinations, and have been so successful in managing them as to keep them steady to the British interest, notwithstanding the vigorous and persevering efforts of France to seduce them from us. We can see no good or wise policy in endeavoring to draw away these Indians from one of his Majesty's provinces to another. We have been enabled to fix the affections of the four great nations around us. (The Cherokees, Catawbas, Muscogees, and Chickasaws.) Let facts speak: they come when we send for them, and go when we bid them depart; they do whatever we desire them. They now perfectly understand the injustice of punishing the innocent for the guilty, and the necessity of punishing the latter in conformity to the treaties between them and us. And when,

[1] *Hist. of Upper So. Ca.* (Logan), 420, quoting from Indian Books, Secretary of State's office, Columbia, S.C.

under any circumstances, a white man is killed in their country, the offender is sure to die, though the greatest of the nation.

"When a people unacquainted with the nature of crimes and punishments are brought to deal with offenders on principles that guide, under similar circumstances, the most enlightened nations, may we not safely boast of having progressed a great way in the education of savages? All this we do aver to be truthful. What benefit, therefore, do you hope to gain for the common cause by sending so many pressing invitations to those nations, or the five of New York to come to Virginia? I will answer for their good behavior with my life if your province will let them alone. In my absence the Council of this colony wrote praying you not to intermeddle with our Indians. I have also requested the same, yet you have sent messages lately to the Catawbas and Chickasaws inviting them to come and receive the presents sent over by the King."

The tact and energy of Governor Glen, says Logan, arrested at length the danger from this source. It was an emergency that afforded him an opportunity of displaying in no insignificant manner his ability and prudence as a guardian of the public weal.[1] There were not wanting those, however, who could find in his ability and apparent zeal for the best interest of the colony, only a cloak for personal schemes and private motives, who charged that he was much more jealous of freeing the trade from the damaging intrusion of the Virginian traffickers than in repelling the far more dangerous encroachments of the French.[2] Adair, a sufficiently intelligent, though not altogether disinterested, contemporary, does not hesitate to charge him with the deliberate sacrifice of the public

[1] *Hist. of Upper So. Ca.* (Logan), 423. [2] *Ibid.*, 426.

interest to the promotion of his private aggrandizement; and it must be confessed, observes Logan, that an impartial review of all the facts in the case, drawn from various and most reliable sources, does not restore his memory to the unqualified admiration of posterity.[1]

A fierce war was now waging between the Creeks and the Cherokees, which, in Adair's opinion, it was the true policy of the South Carolina government to ferment and to assist the Creeks, who had just cause of complaints for injuries done by the Cherokees. But Governor Glen took another course: he summoned the Cherokee chiefs to meet him in conference at Charlestown, not for the purpose of giving them the gentlest rebuke for the outrages they were obviously abetting upon the defenceless settlements of the upper country, nor to require them to make reparation for their recent insult to the Creeks, but solely to persuade them to bury the hatchet and make peace with the Creeks.[2]

The conference was opened in the Council Chamber, July 4, 1753, Governor Glen presiding. Attakullakulla was the chief Indian spokesman on this occasion. This chief when young had gone with the Cherokee embassy to England. He was better known to the whites by his surname of Little Carpenter. His Indian name signifies the *most excellent* woodcutter. He was exceedingly small in his person, but eloquent, sagacious, and brave. From this time he began to rise in importance, both with his own people and the English. He had been disaffected, had even been under suspicion of French entanglement, and had been one of those who had gone to Virginia to seek there a supply of goods to render his

[1] *Hist. of Upper So. Ca.* (Logan), 451; *Hist. of the Am. Indians* (Adair), 224, 239, 242 *et seq.*

[2] *Hist. of Upper So. Ca.* (Logan), 459.

people independent of the Governor of South Carolina. His love for the English was not strong enough to have restrained him from allying himself with the French had he been sure of their power; but his fear of the great King, whom he had seen in England, had not wholly subsided, and the French were in no condition to supply all the wants of his people.[1] A long "talk" was had, pipes were smoked, and the Cherokees departed, returning by the path that led to the Congarees and thence to Saluda Old Town, but not without committing robberies on the way.

When the Cherokees were gone the chiefs of the Creeks appeared, under a similar summons from the Governor, and had their talk with his Excellency in the same chamber. The result was a firm peace concluded between the Creeks and the Cherokees, says Logan, at the very flood-tide of an opportunity that should have been seized by the authorities in Carolina for punishing the insufferable insolence and treachery of the Cherokees. We shall presently see that when the crisis came, Creeks and Cherokees joined and carried fire and the scalping knife into the infant settlements of northwest Carolina and upper Georgia.

The traders, settlers, and even many of the Indians had long desired, and endeavored to obtain, well-garrisoned forts on the frontier; as early as 1734, shortly after the return of the Cherokee embassy from London, application had been made to the government in England for assistance in the matter. Failing in obtaining such assistance the Council, in 1753, determined that one fort at least should be built, and advised the Governor to give directions for its construction at a cost not to exceed £3000; that the site selected should be as close as possible to the town of Keowee, and that the land on which it should be built

[1] *Hist. of Upper So. Ca.* (Logan), 487, 488.

should be purchased from the Indians. In obedience to this advice of the Council, Governor Glen, in the fall of that year, visited the country of the lower Cherokees and purchased a tract of land, whereon the long-promised fort was erected at Keowee.[1]

Hewatt describes this purchase as of a territory of large extent.[2] The territory of the counties of Abbeville, Edgefield, Laurens, Union, Spartanburg, Newberry, Chester, Fairfield, and Richland[3] is usually supposed to have been covered by its grant. But this Logan points out to be a mistake. The actual grant was only of this indefinite description, "not only the spot on which a fort is at present building near Keowee, and all the lands betwixt that and a place called Long Canes of *the width of said fort;* but also all the lands, as well cornfields as pasture-grounds, hills, woods, and waters, all the right and title the Cherokee Nation can lay claim to in the said lands forever."[4] Not a foot of land south of the North Branch of Long Cane, to wit, Little River, was ceded to the King of Great Britain. What was really intended to be covered beside the immediate site of the fort, and the surrounding woods, pastures, and waters necessary to the garrison, was a strip of land the width of the fort, which extended thence as far southward as a place called the Long Canes — a sort of road or way of access to the future garrison. There can be no doubt, however, that from this time

[1] Hewatt and all after him who have made mention of this event, until Logan wrote, have stated that the visit of Governor Glen was made in 1755, but Logan gives 1753 as the true date, upon the authority of the Indian Books in Columbia, in the Secretary of State's office. *Hist. of Upper So. Ca.*, 494 and note.

[2] *Hist. of So. Ca.* (Hewatt), vol. II, 204.

[3] *Hist. of Upper So. Ca.* (Logan), 499. The counties here mentioned are intended to include the territory they contained before the subdivisions under the constitution of 1895.

[4] *Hist. of Upper So. Ca.* (Logan), 496.

the English began to settle the country included in the limits of the counties mentioned, and that their settlement began rapidly to extend toward the mountains.[1] Circumstances extraneous to the colony of South Carolina added greatly to this movement, and peopled this territory with a class different from any that had yet come into the province.

Fort Prince George, as the new fort was called, was built at a short distance from the town of Keowee, about one hundred and seventy miles from Fort Moore on the Savannah, and was designed to be a much more formidable structure than the ordinary stockade enclosures of the pioneers. It was in the form of a square six feet in height, on which stakes were fixed, a ditch and natural glacis strengthened two sides, and strong bastions, the angles upon which were mounted sixteen small cannon, four on each bastion. Its barracks were sufficient for a hundred men, but it was badly constructed, and in three years was in an almost ruinous condition: the palisades had tumbled from the ramparts, the ditches were partially filled up, and gaping breaches had been washed or wantonly cut in the walls.[2]

The founding of Fort Prince George purchased but a brief peace and short-lived confidence on the border. The very next year a party of emigrants from Pennsylvania, and Virginia, were set upon at the house of a Mr. Guttery, on Buffalo Creek, which enters Broad River in the northwest corner of York County, a few miles above the Union and Spartanburg line, by a party of sixty French Indians. The household and the emigrants together numbered twenty-one; of them sixteen were slaughtered at once, whose bodies were found scattered around in a circumference of some two or three hundred yards. The remaining

[1] *Hist. of Upper So. Ca.* (Logan), 498, 504. [2] *Ibid.*, 505, 510.

five were carried off, of whom but one, as was supposed, was recovered. In the following October a little white child was rescued, who was supposed to have been of this party. An interesting circumstance connected with this tragedy was that a young couple had just left Mr. Guttery's house and gone forty miles or more to a Justice of the Peace to be married, and, unhappily, a neighboring family had come in to wait their return and were among the slaughtered. The massacre was discovered by the bridal party on their return. After murdering the people the savages killed all the cattle, hogs, and fowls about the premises and heaped their carcasses upon the dead bodies of the men and women.[1]

Upon this Governor Glen invited another conference, but Attakullakulla, accompanied by an escort of nineteen warriors, brought down a message from the old chief, Old Hop, that he could not expose his warriors to the fatal sickness they had often contracted in town and on the Keowee trail. Notwithstanding this insolent message the Governor consented to meet their headmen in council at a point midway between the Cherokee Nation and Charlestown. The meeting was accordingly held at Saluda Old Town.

Adair severely criticises the conduct of Governor Glen upon this occasion. "His Excellency, our Governor," he says, "neglected the proper measures to reconcile the wavering savages till the gentleman who was appointed to succeed him had just reached the American coast; then, indeed, he set out with a considerable number of gentlemen in flourishing parade, and went as far as Ninety-six settlement, from whence, as most probably he expected, he was fortunately recalled and joyfully superseded. I saw him on his way up, and plainly observed he was unpro-

[1] *Hist. of Upper So. Ca.* (Logan), 430, 507, 508.

vided for the journey; it must unavoidably have proved abortive before he could have proceeded through the Cherokee country. . . . He neither sent before nor carried with him any presents wherewith to soothe the natives, and his kind promises and smooth speeches would have weighed exceedingly light in an Indian scale."[1]

As intimated by Adair, Governor Glen was now recalled and another appointed to supersede him.

[1] *Hist. of the Am. Indians* (Adair), 245, 246.

CHAPTER XVII

1755–60

The fall of Limerick, observes a recent historian, had broken the power and crushed the hopes of the Irish Catholics. The penal laws had driven into exile all the high-spirited, ambitious, and intelligent members of the native aristocracy. The loss of their leaders had rendered the Celtic population no more formidable to the Protestant Englishry, said Swift, than the women and children to the men. The impotence of the common enemy gave rein to the intestine jealousies of the dominant colony. The established church pressed her exclusive pretensions harder and harder against her Presbyterian and Independent allies, till, as Macaulay said, the latter no longer regarded the establishment as a splendid if one-sided trophy of the great Protestant conquest. To proscription and affronts, the descendants of the Scottish settlers of Ulster, the Cromwellian conquerors of the Southern provinces, the grandchildren of the defenders of Londonderry and Enniskillen, were little likely to submit. The flower of the Presbyterians followed the aristocracy of Catholic Ireland into exile.[1]

Many, if not most, of these latter crossed the Atlantic and first settled in Pennsylvania, and reinforced by a considerable German immigration, they pushed forward to the western frontier of that province, where they found

[1] Percy Greg, *Hist. of the U. S.*, vol. I, 152; *England in the Eighteenth Century* (Lecky), vol. II, 284, 435.

themselves in immediate contact with the Indian tribes, among whom the French hostile influence was predominant. With these they speedily became involved in quarrels, which the Quakers in the settled districts professed to regard as needless and unrighteous, and so excused themselves from contributing to the expense of the consequent hostilities.

The defeat of Braddock on the 9th of July, 1755, threw the frontiers of Pennsylvania and Virginia at the mercy of the Indians; and these Scotch-Irish, thus exposed to the horrors of Indian war and without support from the wealthy Quakers of the East, abandoned Pennsylvania and came down, following the foot of the mountains, spreading themselves from Staunton, Virginia, to the Waxhaws (in what is now Lancaster County) of this province. From this point they peopled the upper country of this State.

For about two centuries and a half, says Dr. Foote in his sketches of North Carolina, this race of people had but one set of moral, religious, and political principles working out the noblest framework of society: obedience to the just exercise of the law; independence of spirit; a sense of moral obligation; strict attendance upon the worship of Almighty God; the choice of their own teachers, with the unextinguishable desire to exercise the same privilege with regard to their civil rulers, believing that the magistrates govern by the consent of the people and by their choice. These principles brought from Ireland, he says, bore the same legitimate fruit in Carolina as in Ulster Province, whose boundaries, travellers say, can be recognized by the peace and plenty that reigns within. This was to come in time; but the lot of the first of these emigrants to Carolina was one not of ease nor of safety.

Besides the dangers from Indian incursions which these

new-comers were soon to learn they had not left behind, on the Pennsylvania frontier, there were two other causes of trouble and anxiety which met them in Carolina. The first of these was the recognition and establishment by law of their old oppressor in Ireland, the Church of England, as a church of State; the second was the impotence of the government on the coast to preserve law and order in these new settlements, and its failure to provide courts for the punishment of crime and for the administration of justice within reach of the people of this new part of the province.

The second of these would undoubtedly have been removed in time, even if the Revolution had not taken place, and, as we shall see, the government at Charlestown was doing all that it could to provide courts for these people, but was thwarted by personal influences near the Board of Trade and Plantations in England. The first was still more difficult of removal — it was organic. It is difficult to conjecture how these discordant elements in the population of South Carolina would have been reconciled had not the Revolution disestablished the Church. But the people in the up country did not at first foresee the results of that movement; and were generally inclined, in its commencement, to stand by the old government, which had set up the Church, rather than support the new one in the low country, which, even in rebellion, clung to it as the very foundation of society.

The parish, as we have seen, was the basis of the civil as well as the religious organization of the government under which these new-comers had entered: all elections were held by the church wardens, and those for municipal offices on Easter Monday along with those for officers of the church; all notices, legal and other, were posted at the church door; there caucuses were held of a Sunday

morning before the service commenced; the church was the place of meeting of the various public boards, and political discussions and orations were had in the churches themselves; the representation in the Commons was by parishes; the masters of the free schools were to "be of the religion of the Church of England and to conform to the same;" and the vestries assessed and levied taxes for the relief of the poor, of whom the church wardens were the overseers.

With all this, as we have seen, the Huguenots had no disposition to quarrel, — indeed, they had stood with the churchmen on the coast during the troubles there growing out of the establishment of the Church,[1] — nor had the German settlers on the Edisto or the Swiss on the Savannah. But the case was very different with the Scotch-Irish Presbyterian who was now coming into the province. The Church of England had held out no kindly hand to him. On the contrary, it had rewarded his zeal and heroism in the Protestant cause with oppression and wrong. It had not sheltered him as a refugee as it had the Huguenot in the crypt of Canterbury and in St. Mary's Chapel of St. Patrick's Cathedral, Dublin.[2] On the contrary, it had driven him from his home. The Huguenot did not object to a liturgy; he was accustomed to use one.[3] But this the Scotch-Irish Presbyterian could not endure, for that had been one of the points upon which Knox had differed with the English Reformers. He had left Ireland because he would not use it; was he to do so now in the wild woods of Carolina? Then the system of government was based here, as it had been in the old country which he

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 391, 392.

[2] *The Huguenots* (S. Mills), 284.

[3] *Report of Committee on the Translation of the Liturgy, French Protestant Church, Charleston*, 1836.

had left, upon the Church of England. He could only be represented in the Assembly by having the lands which he and his people had taken up made into a township and then into a parish. All this was the more distasteful to him because his own social and civil system was itself based upon an ecclesiastical idea — a church polity of its own.

If the old St. Philip's Church was a part of the constitution of South Carolina as Westminster Abbey was of the British constitution, so around the "old Waxhaw Church" in Lancaster — the first church above Orangeburg — was formed the settlement which gave tone and thought to the whole upper country of the State.[1] Unlike the old St. Philip's, with "its heavy structure, lofty arches, and massive pillars adorned with elegant sepulchral monuments" of the early Governors and great men of the colony, this little church, the third that has stood near this spot, had nothing whatever of an ecclesiastical appearance. "The interior," says Parton in his *Life of Jackson*, "unpainted, unceiled, and uncushioned, with straight-back pews and rough Sunday-school benches, looks grimly wooden and desolate as the traveller removes the chip that keeps the door from blowing open and peeps in. And when the stranger stands in the churchyard among the old graves, though there is a house or two not far off, but not in sight, he has the feeling of one who comes upon the ancient burial-place of a race extinct. Rude old stones are there that were placed over graves when as yet a stonecutter was not in the province; stones upon which coats of arms were once engraved, still partly decipherable; stones which are

[1] Mr. Croker, in a letter to Robert Southey, asks, "Do you remember my once saying to you that Westminster Abbey was a part of the British constitution?". See *Historical Sketch of St. Philip's Church* (McCrady), *Year Book City of Charleston* (Smyth), 1896; Howe's *Hist. Presb. Ch.*, 292; *Southern Presbyterian Review*, vol. XIV, No. 3, 472.

modern as compared with those which yet record the exploits of revolutionary soldiers; stones so old that every trace of inscription is lost, and stones as new as the new year. The inscriptions on the gravestones are usually simple and direct, and free from snivelling and cant. A large number of them end with Pope's line (incorrectly quoted), which declares an honest man to be the noblest work of God."[1]

Among the Scotch-Irish who came down and settled in the Waxhaws around the old church were the Jacksons, Calhouns, and Pickens. Andrew Jackson was born there. Patrick Calhoun, the father of John C. Calhoun, first settled there; then pushed on to the prairie county which is now Abbeville, and returned after the massacre at Long Canes and took refuge in the Waxhaws congregation; there he married a daughter of the Rev. Alexander Craighead, and after her death and his return to Abbeville he married Miss Caldwell, the mother of Carolina's great statesman. At the Waxhaws, too, Andrew Pickens met Rebecca Calhoun, whom he married. Here at the Waxhaws grew up William Richardson Davie, the distinguished partisan leader of the Revolution, Governor of North Carolina and Minister to France, the founder of the University of North Carolina. From the same community came Calhoun's great rival, the great Georgian, William H. Crawford; so that from this people came three of the greatest men of their times, — Jackson, Calhoun, and Crawford, — men upon and around whom turned the national politics of their day and whose antagonisms convulsed the whole country. To these must be added William Smith, Judge on the State Bench and United States Senator, whose State rights antedated Calhoun's, and who was twice voted for as Vice President in the

[1] Parton's *Life of Jackson*, 50, 51.

Electoral College, once in 1829, as from South Carolina, and again in 1841, as from Alabama, to which State he had removed; and Dr. John Brown, one of the first Professors of the South Carolina College and the founder of the Presbyterian Church in Columbia, a schoolmate of Jackson, who rode with him when they were boys in their teens under Davie and Sumter at Hanging Rock.[1] From the Waxhaws, too, came Stephen D. Miller, a man of great power in his day and generation in society, at the bar, and in the councils of his country.[2] James H. Thornwell, an eminent divine and orator, President of the South Carolina College, and J. Marion Sims, a surgeon of world-wide fame, and in his department doubtless the greatest of his time.[3]

[1] Howe's *Hist. Presb. Ch.*, 616.

[2] O'Neall's *Bench and Bar*, 2 vols.

[3] From the Waxhaws these Scotch-Irish Presbyterians pressed on throughout the upper part of the State. Crossing the Catawba, the Adairs, Allisons, Brattons, Adrians, Blacks, Boggs, Brooms, Buchanans, Boyces, Bryces, Crawfords, Crocketts, Carrols, Carsons, Chambers, Dunlops, Douglasses, Erwins, Flemings, Irwins, Hancocks, Kirklands, Laceys, Kuykendals, Lathams, Loves, Lyles, Masseys, McCaws, McDaniels, Mills, McCans, McKenzies, McIlhennys, McMullans, McLures, McMorrises, Martins, Neelys, Wylies, Witherspoons, Rosses, and Youngs, and others spread themselves over the "New Acquisition," the present counties of Lancaster, York, Chester, and Fairfield. The Brandons, Bogans, Jollys, Kennedys, McQunkins, Youngs, Cunninghams, Savages, Hughs, Vances, and Wilsons settled in the present county of Union. *Presb. Review*, vol. XIV, 482. The McCrerys (or McCrearys), Greens, Hannahs, Abernathys, Millers, Beards, Wells, Coffees, Greshams, Bartons, Youngs, some of the McLures, Adamses, and McDaids settled in Newberry, in the fork between the Broad and Saluda, near Mr. John Duncan, a native of Aberdeen, Scotland, who had settled himself there in 1752, three years before Braddock's defeat (Mills's *Statistics of So. Ca.*, 639; O'Neall's *Annals of Newberry*, 47, 49). To these were added the Caldwells, Thompsons, Youngs, Fairs, Carmichaels, Hunters, McClellans, Greggs, Wilsons, Conners, Neals, Camerons, Flemings, McCallas, Montgomerys, Sloans, Spencers, Wrights, Glenns, Chalmers, McCrackens,

These people, says Dr. Foote, were, in the truest sense of the word, loyal.[1] They and their ancestors were well convinced of the importance of a regular and firm government and were true to their allegiance. They recognized the authority of the King as Supreme Ruler according to the solemn league and covenant. They expected the King to be honest while they were loyal. They fully believed that the liberties of the subject might consist with Royal authority. They claimed, and persisted in claiming, the privilege of choosing their own ministers or religious instructors as an inherent right that could not be given up and any civil or religious liberty preserved. They yielded to the civil authority all honor and service and duty, and demanded protection for their persons in the enjoyment of their property and religion.

These principles, transplanted from Scotland to Ireland and cherished there, were brought with them to America and have been characteristic of the Scotch-Irish settle-

Glasgows. The names of the families, the founders of the community in Spartanburg at Nazareth Church, were Anderson, Miller, Barry, Moore, Collins, Thompson, Vernon, Pearson, Jamison, Dodd, Ray, Penny, McMahon, Nichol, Nesbitt, and Patton. *So. Presb. Review*, vol. XIV, No. 3, 483; *Ibid.* The Mooriweathers, Wardlaws, Moores, Browns, McAlisters, and Logans with the Calhouns, pushed on still farther and settled in the prairie region, now the counties of Abbeville and Edgefield. *Hist. of Upper So. Ca.* (Logan), 25.

The first settlers had the choice of lands in this part of the province, and it has been remarked of the Scotch-Irish of Pennsylvania, who had some experience of America and were also first on the soil in this region, that they were more favorably located than those who came afterwards directly from the North of Ireland through the port of Charleston. In 1767 or 1768 other families came direct from Ireland, receiving their headrights of one hundred acres and supplied with the most indispensable implements of agriculture by the Colonial government. Among these were the families of Caldwell, Coan, Snoddy, Peden, Alexander, Gaston, and Norton. *Presb. Review*, vol. XIV, No. 3, 486.

[1] *Sketches of No. Ca.*, 120.

ments throughout the land. Children were taught to read and exercised in reading the Bible every day, and became familiar with the word of God in the family, in the school, and in the house devoted to the worship of Almighty God. The commands of God and the awful retributions of eternity gave force to these principles which became a living power and controlling influence. The time had just passed, when Dr. Foote wrote in 1846, when the schoolmaster from Ireland taught the children of the Valley of Virginia and the upper part of the Carolinas as they taught in the mother country; when the children and youth at school recited the Assembly's shorter catechism once a week and read parts of the Bible every day. The circle of the instruction was circumscribed; but the children were taught to speak the truth and defend it, to keep a good conscience and fear God — the foundation of good citizens and truly great men.

Of the women of these people Dr. Foote writes: "An education — knowledge of things human and divine — they prized beyond all price in their leaders and teachers, and craved its possession for their husbands and brothers and sons. The Spartan mothers gloried in the bravery of their husbands and fathers and demanded it in their sons. 'Bring me this or be brought back upon it,' said one, as she gave her son a shield to go out to battle. These Presbyterian mothers gloried in the enterprise and religion and knowledge and purity of their husbands and children, and would forego comforts and endure toil that their sons might be well-instructed, enterprising men. . . . With many, and they," he says, "the influential men and women, the desire of knowledge was cherished before a competence was obtained or the labors of a first settlement overcome. Almost invariably as soon as a neighborhood was settled preparations were made for the preaching

of the Gospel by a regular stated pastor, and wherever a pastor was located in that congregation there was a classical school."[1]

These new-comers who entered the province by the back door, as it were, bringing with them essentially different ideas of government of Church and State, were to have a marked and decided influence upon the polity and policy of the coming State; were reluctantly to enter the contest with the Royal government inaugurated upon the coast; but, goaded into it by the folly and cruelty of the British army, were to turn upon the invaders and by their stubborn resistance and heroic conduct to wrest from them the fruits of their success in the low country Reluctant again to enter the new government established after the Revolution, they were to become the dominant force in the State, and to produce the men who were to influence in a great degree the future course of events in the United States.

[1] *Sketches of No. Ca.*, 512.

CHAPTER XVIII

1756–60

A CHANGE in the administration of the Royal government had been determined upon in 1755, and his Excellency William Henry Lyttleton was sent to relieve Governor Glen. Governor Lyttleton was a descendant of the famous Sergeant Lyttleton, author of the celebrated treatise on English tenures. He presided over the colony for four years from the time of his arrival in Carolina, when he was transferred to the government of Jamaica, in 1760. His subsequent career was distinguished. In 1766 he was Envoy Extraordinary and Minister Plenipotentiary to the court of Portugal, and in 1776 was elevated to the peerage of Ireland by the title of Baron Westcote of Balamore County, Longford.[1]

Although hostilities had actually begun between Great Britain and France, neither court was prepared for an open declaration of war. It was in this uncertain condition of affairs between the two countries that Governor Lyttleton embarked for his province. The British commanders at sea had orders to seize all French ships and bring them into port, and the French were retaliating. Thus it happened that on his way through the Bay of Biscay, the Governor was intercepted by a French squadron, under the command of Count de Guay, and carried into France; but by an order of the French court he was released and permitted to return to England. Again embarking, his Excellency safely arrived in Charlestown on the 1st of

[1] Burke's *Peerage*.

June, 1756.[1] War had been formally declared against France while he was on his passage, 17th of May, 1756.

The new Governor was received with popular demonstrations and the presentation of addresses by the South Carolina Society, the merchants of Charlestown, the Chief Justices, Assistant Judges, and officers of the Courts of Justice: the last alluding in their address in graceful terms to the illustrious descent of the new Governor, and anticipatng therefrom an administration of law and order.[2] Hopes, which from the addresses of respect and good will made to him upon his departure, were fully justified by his conduct in the civil administration of the colony during the four years of his rule. The Charlestown Library Society, over which he presided, in a complimentary manner expressed their regret at his going; the South Carolina Society thanked him for the many and great benefits they had received, in common with the whole people, from his wise and prudent administration; and the merchants declared that he had been the protector of their trade. But his brief administration, however wise and prudent in civil affairs, was chiefly memorable for his expedition against the Indians, for which he received the plaudits of the people at the time; but which,

[1] *Hist. of So. Ca.* (Hewatt), vol. II, 210.

[2] The *Gazette*, in announcing his arrival, observes, it would have too much the air of compliment to insert what has been mentioned of him in numberless letters and what may of consequence be expected under his administration. But it may justly be inferred from them that both the governed and the Governor cannot fail of being happy; may he therefore be blessed with uninterrupted health and we with his long continuance among us: —

> Be all thy labors, all thy cares pursu'd
> Chiefly to one general end the country's good.
> Be this in India as in Britain known,
> The only passion of Lyttleton.
> So shall the Western World resound thy fame
> And Carolina bless thy Patriot name.

upon his departure, proved to have been at least without beneficial result.

Governor Glen was not in Charlestown when Governor Lyttleton arrived. He was, as we have seen, at the meeting at Saluda Old Town. The previous year Governor Glen had promised Attakullakulla, or Little Carpenter, to build a fort for the Over Hill Indians on the Tennessee, provided he and his people would submit themselves to be the subjects of the King of Great Britain, and hold their lands of his Majesty thereafter. The speedy erection of Fort Loudon, near the southwestern boundary of Virginia on the Tennessee River, which was now begun, would, it was fondly hoped, not only put an effectual barrier against the French in that quarter, but so gratify the Indians as to quiet their discontents. The Carolinians were assisted in building Fort Loudon by a hundred men sent for that purpose from Virginia, under Major Lewis and Captain Overton, by the Earl of Loudon, — in honor of whom it was named, — who had been appointed Commander-in-Chief of the King's forces in America and Governor of Virginia.[1] At the same time that Governor Glen hurried off the party to assist in erecting the fort, he had ordered several companies, with those of the provincial troops, to concentrate at Ninety-six in case any trouble should arise to require their services ; among these were two that hastened to that point from Fort Moore. In the meanwhile he himself had set out for the Cherokee towns with several wagons laden with provisions for the workmen, and presents for another "talk" with the Indians. Governor Lyttleton, having learned soon after his arrival of the result of the council of the chiefs at Keowee, and informed from other sources that the Indians did not then meditate hostilities,

[1] *Hist. of Upper Carolina* (Logan), 513 ; Hildreth's *Hist. of U. S.*, vol. II, 172, 173.

dispatched a messenger to overtake the ex-Governor and deliver to him, with other important information, an order for Captain Raymond Demere of the Provincials,[1] to the effect that those troops should be disbanded.

Governor Glen's wagon-train arrived safely at Ninety-six, the Provincials were disbanded, the two companies from Fort Moore returned to that post, and Captain Demere, with the ex-Governor and young Ensign Coytomore, proceeded to Fort Prince George at the head of the party going to the site of Fort Loudon. Before setting out, however, Captain Demere prepared a communication for Governor Lyttleton, concluding with a remark significant in view of what afterward occurred. "I find myself alone here," he writes, "with a young officer who, although quite capable, is yet too young for such a command unassisted at this time. I shall therefore march with the whole party myself as far as Keowee, and there await further orders from your Excellency."[2] While resting at Fort Prince George, Demere was visited by Little Carpenter, whose conduct aroused his suspicions, but was passed over upon the ground of intoxication, not however to the entire satisfaction of the captain, who regarded the Indian as deceitful when sober and an impertinent fellow at all times.[3] The timely supplies, however, with the erection of Fort Loudon gave a respite of tranquillity and hope to the infant settlements along the Cherokee line. But, as Logan observes, no human instrumentality could have availed to reform a people so hopelessly degenerate as the Cherokees had now become. While the flesh was yet in their mouths which the English had brought, at great

[1] Captain Demere had shortly before returned from Virginia where he had been with Braddock in his disastrous expedition to the Monongahela. *So. Ca. Gazette.*

[2] *Hist. of Upper So. Ca.*, 513–515. [3] *Ibid.*, 517.

expense, to relieve their starving condition, murmurs and discontent broke out afresh. Governor Glen and the gentlemen who had accompanied him returned to Charlestown.[1]

Upon assuming the administration of the government, Governor Lyttleton found two matters demanding immediate attention. In the quarrel between the Council and the Commons no supplies had been granted, and a number of Acadians had arrived in Charlestown for whom some provision must be made. The Assembly had adjourned to the 5th of October. Governor Lyttleton therefore, on the 15th of June, issued his proclamation summoning them to meet on the 17th. This they promptly did, and immediately proceeded to business.

The English, it will be remembered, had taken Nova Scotia in 1710, and it had been formally ceded by France in 1713. But Great Britain had neglected the country until 1749, during which time the French settlers, under the name of Neutrals, who were still very numerous in the colony, with the aid of the Indians, held the British settlers in constant alarm, and it is said had murdered many of them.[2] In 1749 the designs of the French becoming marked, the government of England made strenuous efforts to induce British settlers to go there. More than four thousand emigrants sailed for the colony, and Halifax was founded. But the French Neutrals, or Acadians, who still constituted a considerable portion of the population, with their Indian allies, continued to be troublesome. They were required, therefore, to take the oath of allegiance to the British Crown or leave the country. This they attempted, it was said, to evade, and would only take the oath with a proviso that they should not be obliged to

[1] *So. Ca. Gazette*, July 1, 1756.

[2] *Hist. of Nova Scotia* (Martin), 7.

take up arms against their Indian allies; but the government was firm and required an unconditional compliance or an immediate departure. There can be no question as to the justice and necessity of this requirement; but the manner in which it was enforced has enlisted the deepest sympathy of the world for the unhappy exiles and indignation at their treatment. They were not only driven from their homes relentlessly, and their homes reduced to ashes to prevent their return, but families were ruthlessly broken up, and separated, and scattered in the different colonies from Maine to Georgia. But the sympathy which the poet has excited in *Evangeline* by his tale of Acadie was not aroused at the time, nor was it true that all families of the expelled Acadians were broken up — such was certainly not the case of those who were sent to South Carolina. Unfortunately the expulsion of the Acadians followed very closely the defeat of Braddock, and to the people in the Southern colonies they were nothing else but Frenchmen who were still refusing to abandon their Indian allies, from whom these people were living in dread.

The *Gazette* of November 6, 1755, announces that the *Pelham's Snow* is hourly expected from the Bay of Fundy with some transport vessels, having a number of Neutral French on board who were being distributed among the British colonies. Then on the 20th the arrival of a number is mentioned, and so on, for several weeks, the arrivals of Neutral French continue to be reported in almost every issue of the paper, until 1020 of them had been brought into Charlestown. The presence of these people created great uneasiness in the colony, an uneasiness which was greatly increased when, in February, 1756, two parties of them attempted to escape. The *Gazette* of the 12th of February reports that the Acadians who had attempted

to escape had been retaken and brought back, with the exception of about thirty, who were still missing. Then it adds that it has just received information that five or six of them had gone to the plantation of Mr. John Williams on the Santee while he was absent, had terrified his wife, robbed the house of firearms and clothes, and broken up a box from which they had taken money. The hue and cry had been raised and the neighborhood had gone after them, but they escaped to the river. "'Tis hoped," adds the *Gazette*, "the Acadians will not be permitted to commit any more robberies." The *Gazette* of the 19th reports that the Acadians had not been recaptured, but it learns that the people are determined they shall not escape that way or any other; but it is probable, it continues, that they may reach Fort Duquesne, or Canada, as it learned some of them hinted they could easily do, unless intercepted in some of the neighboring colonies. The same journal, on April 1st, tells of a party who had arrived from Georgia. We hear, it continues, that these people are infatuated with the notion that they shall obtain leave to pass in like manner through all the governments on this side of Nova Scotia until they reach that place; but such, it observes, have not considered to what end they have been removed from there. On the 15th the *Gazette* tells of eighty Acadians who went off in seven canoes as far as Sullivan's Island and put to sea next morning to proceed along the coast to the northwest, having obtained passports; and three hundred more will soon follow. Such were the frantic efforts these poor people were making to reach their old homes.

The first act of Governor Lyttleton's administration was one to dispose of the Acadians in Charlestown.[1] The act recited that it had become necessary to disperse into differ-

[1] *Statutes of So. Ca.*, vol. IV, 31.

ent parts of the province the several families of Acadians then in the town, as well to prevent their doing any mischief, as to avoid the danger of any infectious distemper breaking out amongst them, which might reasonably be apprehended from such numbers dwelling in close and inconvenient habitations at that hot season of the year. For these reasons it was provided that four-fifths of the Acadians should be sent out and dispersed through the other parishes at the public expense, to be defrayed by a general tax on the estates, real and personal, in the province. The church wardens and vestry of the parishes were charged with providing for their support for three months unless they could dispose of them before. They were authorized to bind the Acadians for a term of years to such persons as should be willing to take them. The remaining fifth were to be provided for in the town by the church wardens and vestry of St. Philip's. The Acadians were prohibited from having firearms.[1]

Having thus disposed of the Acadians, the Assembly proceeded at once to provide for supplies they had withheld under Governor Glen. An act was passed for raising and granting to his Majesty the sum of £91,157 11*s.* 3*d.* 3*f.*, and for applying £2471 18*s.* 9*d.*, the balance of several funds in the public treasury, making £93,629 10*s.* 3*f.* for defraying the charges of the government for one year.[2] Having passed these pressing measures, on the 6th of

[1] The Acadians in one way or other ultimately left the province. But few remained. Among these are the family of Lanneau in Charleston, who embraced the Protestant faith and have long been recognized for their devoted piety. Two of them, Rev. John F. Lanneau, long a missionary to Jerusalem, and Basil Edward Lanneau, for some years Hebrew tutor in the Theological Seminary at Columbia and afterward in the Oakland College of Mississippi, have been favorably known. *Hist. of Presb. Ch.* (Howe), 303.

[2] *Statutes of So. Ca.*, vol. IV, 34.

July, 1756, the General Assembly was adjourned to the first Tuesday in the next November.

The anomalous and curious condition in which hostilities had been carried on by France and England against each in America, while relations of peace and amity were still nominally preserved in Europe, was now at an end, and as war was openly declared vigorous measures were openly pursued and an extensive campaign was projected. A meeting of all the Governors was immediately called at New York for the purpose of holding a grand council of war to concert a plan of operations. The Governors of Connecticut, New York, Pennsylvania, and Maryland attended the Council, and a plan of campaign in the Northern States was agreed upon, which ultimately resulted, however, in as great defeat and utter disappointment as that of Braddock the year before. The campaign of 1757 was no more successful. In 1758 the tide of success however began to turn. Of the three expeditions that had been planned for the year, the first, that against Louisbourg led by General Amherst and Admiral Boscawen, had been successful, and resulted in the complete British possession of the whole island of Cape Breton, and the way to Quebec had been opened. The second, that against Ticonderoga and Crown Point, had failed. General Abercrombie had been repulsed under the walls of Ticonderoga. The third was designed against Fort Duquesne, a position which gave its possessor vast influence over the savages, and from whence the French had been in the habit of making with their Indian allies terrible and bloody incursions into Pennsylvania, Maryland, and Virginia. This, too, under General Forbes, had succeeded, and the French had been expelled. During these three years South Carolina had been undisturbed; but as it was again to happen during the revolutionary struggle, her respite was to end

in the disasters of the last years of the war. While the glorious victories in Canada — Quebec and Montreal — were being achieved, the Indian savages, incited by the French, who were driven from the Ohio upon the fall of Duquesne, had come down upon the defenceless frontier of South Carolina, and the tomahawk and scalping knife were busy among her people.

Though the Cherokees had not yet broken with the English colonists in Carolina, they had already been tampered with, to a great extent, by the French. They had, however, sent considerable parties of warriors to the assistance of the British army under General Forbes in the expedition against Fort Duquesne, and with these Little Carpenter himself had gone. From some cause he had taken offence and, with nine warriors, had deserted the expedition, upon which General Forbes had sent after, arrested, and disarmed them.[1] Upon his return to the Nation the Indian chief had exhibited no resentment at this, and talked of a visit to Charlestown.[2] It is not improbable, however, that this incident was of potent influence in the subsequent relations of the Cherokee Nation to the English colonists, though, if so, it was entirely disguised. Other occurrences followed in connection with this expedition of more apparent and immediate consequences. Another party of Cherokees, deserting the expedition on their return through North Carolina, committed murders, taking with them to the town of Settico twenty-two white scalps. These Little Carpenter had at once buried, to the great dissatisfaction of the Settico men, thus exhibiting still his regard for his old friends, the English.[3] Later, some of the Cherokees, who apparently had remained with Gen-

[1] *So. Ca. Gazette*, January 19, 1759.
[2] *Ibid.*, April 14, 1759.
[3] *Ibid.*, May 12 and June 9, 1759.

eral Forbes to the end of the expedition, returning through the back parts of Virginia, having lost their horses, considered themselves free to seize upon such as came in their way. The owners of the horses in retaliation fell upon and killed ten or twelve of the marauders. Upon reaching home the Indians complained loudly of their treatment, and the friends and relatives of those who had been slain aroused the whole Nation to revenge. The old chiefs were still opposed to the war and apparently did all they could to prevent hostilities, but the French emissaries were at work inflaming their resentment and furnishing the young men with arms and ammunition. Parties of young warriors took the field, and rushing down among the white inhabitants of the frontier murdered and scalped all who came in their way. Captain Demere, the commanding officer at Fort Loudon, dispatched a messenger to inform Governor Lyttleton, and orders were at once issued to the officers of the militia to collect immediately their men, who were ordered to rendezvous at the Congarees, where the Governor would follow them and march at once to the relief of the frontier.

The chiefs of the Cherokees, still however wishing to avoid war, and desiring to settle all differences with their white neighbors, opened communication with Governor Ellis of Georgia, and induced him to intervene to such an extent that Governor Lyttleton agreed to receive a deputation from the Cherokees if sent to "talk" with him. At least so the Cherokees claimed to have understood the message received by them.

In the meanwhile Captain Demere, at Fort Loudon, finding that trouble was brewing, sent for Occonostota, also distinguished by the name of the Great Warrior, who, with two or three headmen, came accordingly, and upon being asked by Captain Demere why the Cherokees had

killed the white people and declared war, answered that from the towns of Chote, Tenesee, Tequo, and Tomotly there was not one guilty of any of the outrages complained of. That the crimes were committed by young people who would give ear to no admonition, and who believed that the English intended to destroy them all, and make slaves of their wives and children; the French had told them, they said, that when the English had once completed the fort in their Nation, and made settlements, they would withhold ammunition from them, and extirpate all the men and enslave their women and children; that the French were making great offers for the scalps of Englishmen. Captain Demere assured them that the English had no such designs; that they had only stopped the supply of ammunition upon the discovery of the inimical disposition of the Lower Cherokees. He offered to convince them of the truth of what he said whenever they would go down to Keowee. Upon this assurance the Great Warrior went down to Fort Prince George at Keowee and took with him several other headmen. Upon arriving there he asked for ammunition and was refused, whereupon, being assured that he could go to Charlestown and return safely he determined to do so, and joined a deputation from the Lower Towns he found there going to Governor Lyttleton under the arrangement made for them by Governor Ellis of Georgia.

Upon their arrival in Charlestown the Indian chiefs had conference in the Council Chamber with Governor Lyttleton, extending through several days. On the first day, October 18th, Occonostota told his Excellency that they were not come to give a "talk" or make propositions to him; that hearing he had sent a letter to the Nation they expected to receive a "talk" from him. The Governor in reply ordered the interpreter to inform them that it was true he had sent a letter to their Nation upon receiving a

copy of a "talk" with Governor Ellis of Georgia by one Woahatches, in the name of the Upper and Lower towns, desiring the Governor of Georgia to interpose his good offices in accommodating matters between the Cherokees and the Carolina government, and declaring their intentions to be peaceable; not to invite them, but to permit any that were peaceably disposed to come, and to inform them that he was then ready to hear what they had to say. The Great Warrior upon this told his Excellency that he was then unprepared; that his hands were bare, and he brought no token, but that he would give a "talk" the next day. To this the Governor agreed.

On Friday, the 19th, the Indians met the Governor again in the Council Chamber, when the Great Warrior and the other spokesman addressed his Excellency, in substance, that they had been sent by Old Hop[1] to make the path straight, to brighten the chain, and to accommodate differences. They confessed that outrages had been committed by the Nation, but they alleged that their young men were the authors, and that they had been provoked to commit them by the irregularities of some white people at the fort. They then desired that all that was past might now be forgot. They did not, however, offer any satisfaction, as was expected. They laid skins at the Governor's feet and offered strings of white beads, which his Excellency permitted them to lay down, but would not receive. When they had finished their "talk," the Governor ordered them to be informed that he would consider what they had said, and gave them notice to attend when he should be ready to give them his answer.

The Monday following the Indians were summoned to attend the Council Chamber, when the Governor told them

[1] The King Chotie and the great beloved wise man of the Nation. *Hist. of Upper So. Ca.* (Logan), 461.

that although the Great Warrior and the other Indians of the Upper Nation then present pretended to be deputed to come to him, he knew they were not; that they had only come in consequence of being refused ammunition at Keowee; that he had advices then in his hands, received the night before, that since they had come away a large party was gone out from Settico to fall upon the settlements of Broad River; and that a soldier from Fort Prince George, who had been sent out to drive in some cattle, had been stopped by some Indians, who took his horse by the bridle, led him into the middle of the town, and cut him severely with a tomahawk, then bid him go home and say *it was war*. They had therefore no right to be protected according to the "talk" he had sent up to the Nation. Then turning to those of the Lower Nation his Excellency said that although it was true they had been deputed, a party sent out afterward had fired upon an express from their country coming down to him. They also were not therefore entitled to protection. Nevertheless, the Governor continued, as they said they came down expecting to be protected they should be. His Excellency then enumerated the outrages and murders the Nation had committed, and went on to say that the people of the province, determined no longer to bear their insults, were in arms; that he himself was going with a great many of his warriors to the Nation to demand satisfaction; that if when he arrived there the satisfaction he should ask should be given, it would be peace, the path would be open again, and the trade restored. But if they refused to give it, *he would take it*. The Governor concluded by telling the Indians that they should return with him and his warriors; that they would be safe only by going with him, and advised them not to straggle out of the direct road, where he would not answer for their safety.

Governor Lyttleton's course in this matter was not altogether approved by his Council. William Bull, who had a lifelong acquaintance with Indian affairs, — who had been a soldier in Oglethorpe's expedition, and repeatedly Speaker of the Commons, now General of the Militia, and recently appointed Lieutenant Governor, his commission however not yet having arrived, — strongly advised against it and urged the Governor to give the Indians a hearing. But the Governor was inflexible and put an end to the conference. The chiefs were very indignant. They had travelled far to secure peace, and that under a pledge of safe-conduct. They certainly had not violated its terms. And after all to be denied the "talk" they had come for, and to be forced to return with the Governor's army, practically as prisoners, aroused their deepest resentment.

On Wednesday, the 29th of October, his Excellency set out at 10 A.M. upon his expedition to humble the Cherokees. He was accompanied by the Hon. Brigadier General Bull, and Colonel Howarth of the Provincial Force, and attended by his staff and several officers appointed for the expedition. His staff consisted of Major Henry Hyrne, late of the Provincials, Adjutant General, Lieutenant Lachlan Shaw, Esq., Brigade Major; Ensign Lachlan McIntosh, Quarter Master, and William Drayton and William Moultrie, Esq., Aides-de-camp; George Milligan, Esq., Surgeon. The Charlestown and Stono Troop of Horse, and Captain Christopher Gadsden with sixteen volunteers from the artillery company he had lately raised. The army was to rendezvous at the Congarees.[1]

The Cherokee chiefs marched with the Governor and

[1] In this account of the outbreak of the Cherokees, we have followed the contemporaneous accounts given in the *So. Ca. Gazette.*

his escorts until they joined the army. They put on an appearance of contentment; inwardly they burned with fury. When the army moved from the Congarees all pretence in regard to them was put aside, they were all treated as prisoners, and two of them having escaped, a captain's guard was mounted over the rest. On their part, they no longer attempted to conceal their resentment. Their sullen looks and gloomy countenances bespoke their indignation. Upon their arrival at Fort Prince George they were all huddled together and shut up in a hut scarcely sufficient for the accommodation of six soldiers.

Governor Lyttleton had proceeded with far too great a precipitancy. He had rushed into a war for which he was not prepared, and had undertaken an invasion without having organized a proper force with which to prosecute it. The militia assembled at the Congarees were but poorly armed, worse disciplined, and were discontented and mutinous. So far from being able to carry out his promise to the old chiefs of letting them know in their own country his demand for satisfaction and receiving it there at the point of his bayonets, he had not proceeded far from the Congarees when he found that his rabble army was in no condition to invade the enemy's country, and was reduced to the mortifying necessity of doing that which he might, with much greater force and dignity, have done without leaving Charlestown. The Governor sent on in advance of his approach a message to Attakullakulla, or the Little Carpenter, who was still esteemed the steadiest friend of the English, to meet him at Fort Prince George.

This summons was promptly obeyed, and on the 17th of December a congress was held, at which the Governor, in a long speech, recapitulated to Attakullakulla the injuries done by the Cherokees to the white people in

violation of their treaties. He extolled the power of the English and depicted the weakness of the French, and concluded by assuring the Indian chief that the great King, whom he represented, would not suffer his people to be destroyed without satisfaction; that if he made war, the Indians would suffer for their rashness — their men would be destroyed, their women carried into captivity. "I have twice," he said, "given you a list of the murderers. I will now tell you there are twenty men of your Nation whom I demand to be delivered to me to put to death or otherwise disposed of as I shall think fit. Your people have killed that number of ours, and more, therefore, it is the least I will accept of. I shall give you till to-morrow to consider it, and then I shall expect your answer."

Looking at the miserable array of the Governor's grand army, it must have been with some lurking amusement that the grave and wise Indian replied that he remembered the treaties to which the Governor referred. He had a share in making them. He owned the kindness of the province of South Carolina, but complained much of the treatment his countrymen had received in Virginia. He had always been a true friend of the English, and would ever continue such, and would use all the influence he had to persuade his countrymen to give the Governor the satisfaction he demanded, though — he was candid enough to add — he believed it neither would nor could be complied with, as they had no coercive authority one over another. He desired the Governor to release some of the headmen then confined in the fort to assist him, and added that he was pleased to hear of the success of his brothers the English, but could not help mentioning that they showed more resentment against the Cherokees than they did to the other nations that had disobliged them;

that he remembered some years ago several whites belonging to Carolina were killed by the Choctaws, for whom no satisfaction had been either demanded or given.

Upon the request of Attakullakulla the Governor released Occonostota, Fiftoe, the chief man of Keoweetown, and the head warrior of Estatoe, who, the next day, delivered up two Indians, whom Governor Lyttleton at once put in irons. Upon this all the other Cherokees who were without influential connections fled, thus rendering it impossible to complete the number of hostages demanded. Attakullakulla, convinced that peace could not be obtained on the terms demanded, abandoned his efforts and left the camp; but Governor Lyttleton, as soon as he learned of his departure, sent after him, begging his return, and upon his coming renewed negotiations. An agreement was reached and a treaty was drawn up and signed by the Governor, by Attakullakulla, another chief, and by four of the warriors who, with a few others, had obtained their liberty. By an article of this treaty it was agreed that twenty-six chieftains of the Cherokees should be confined in the fort as hostages until the same number of Indians guilty of murder should be given up. This was said to be done with the consent of the Indian hostages themselves, but it must be recollected they were still practically prisoners, and so really had no choice. One Indian was delivered up for whom one of the hostages was released. The three Indians given up were carried to Charlestown, where they died in confinement.

Having concluded this treaty the Governor returned home. Perhaps the Indians who put their marks to it did not understand its provisions, or perhaps conceived themselves to be so far under restraint as not to be free agents in the transaction, and therefore not bound by an agreement extorted from them under the circumstances.

But whatever view they took of it, it is certain the Nation paid it not the slightest regard.[1]

The Governor's conduct was as inglorious as it was unwise and unfair. His conduct to the chiefs, against whom no personal charge was made, who had travelled far to obtain peace, was little less than treacherous. The distinction which he put up between a permission and an invitation to them to come was too subtle to be allowed even in dealing with Indians. His permission or invitation had been accompanied by no condition of a truce during the embassy. War had begun, and they had come to try to put an end to it; but this did not stay the hands of the Indians until terms had been agreed to. He had no right, therefore, to detain them in the first instance. But not only so, he had promised that they should be returned home without "hurting a hair of their heads." He had required them to march with him as a precaution for their safety — to protect them from his men. This promise he had violated and had made them prisoners. Like many other officials, military and civil, coming from England, Governor Lyttleton supposed he knew more about Carolina and Indian affairs than native Carolinians, and disregarding Bull's advice he allowed himself in the end to be completely overreached by the wily Attakullakulla, who shrewdly traded him out of the birds he had in hands for those in the bush. He secured the release of the great warrior Occonostota, who was soon to take terrible vengeance for his treatment.

Scarcely had Governor Lyttleton concluded the treaty of Fort Prince George when the smallpox, which was raging in the adjoining Indian towns, broke out in his camp. As few of the men of his little force had had the distem-

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 215, 225; Ramsay's *Hist. of So. Ca.*, vol. I, 167, 173.

per, they were struck with terror, abandoned the expedition, returned in haste to the settlement, avoiding each other on the way and suffering greatly from hunger and fatigue. Abandoned by his men, the Governor followed, and arrived in Charlestown on January 8, 1760.

The expedition cost the province £25,000 sterling. Though not a drop of blood had been spilt during the campaign, yet as a treaty of peace had been signed, the Governor was received as a conqueror with the greatest demonstrations of joy.[1] The *Gazette* of the 12th announces that, attended by the gentlemen who had acted as his staff on the expedition, and Captain Gadsden, with the gentlemen of his company of artillery who had gone as volunteers, the Governor had intended to make his entry into town in a private manner; but Captain Gadsden's company, hearing of their coming, marched, in uniform, two miles up the Path — as the road to the town was called — to meet him, and saluted his Excellency with two volleys and three cheers, which they afterward repeated at his own door. The next day the Council entertained him at dinner, the forts and the vessels in the harbor fired salutes and displayed all their colors, and the Regiment of Foot and the Troop of Horse were drawn up in Broad Street as his Excellency passed to dine with the Council. The evening was concluded with illuminations and bonfires and other demonstrations of joy. The Library Society, the anniversary of which happened on the day of his arrival, unanimously reëlected him its President, and tended him an address of congratulation upon his safe return and the happy and honorable termination of the expedition, particularly as they regarded his Excellency not only as their Governor and protector, but as the patron of literature and the President of the Society, under whose

[1] Ramsay's *Hist. of So. Ca.*, vol. I, 174.

vigorous administration not only riches and commerce, but learning and every branch of polite and useful knowledge, must flourish. The Presbyterian clergy also joined in congratulating his Excellency upon his useful and able conduct and becoming firmness and unshaken resolution displayed in leading undisciplined men in a long and fatiguing march through an enemy's country, and obtaining from the Cherokees the just satisfaction he had demanded.[1]

These rejoicings were scarcely over, and the Governor's answers to the dutiful addresses were scarcely read, when the news came that fresh hostilities had been committed by the Indians; that the Cherokees had killed fourteen men within a mile of Fort Prince George.

Governor Lyttleton had left Ensign Coytomore, the young officer who, as we have seen, though capable, Captain Demere thought too young for such a position, in command of Fort Prince George. The Indians had conceived an invincible antipathy to this officer, and with good reason, if the stories about his conduct were true. This and the treatment they had received from the Governor converted their former desire for peace into the bitterest rage for war. Occonostota, whom Attakullakulla had so adroitly released from Governor Lyttleton's injudicious imprisonment, had now become an implacable enemy of Carolina, determined to repay treachery with treachery. With a strong party of Cherokees he surrounded Fort Prince George and compelled the garrison to keep within their works; but finding that he could not take it by force, he determined to do so by stratagem. He enticed Coytomore and two others to a conference, and upon their coming out of the fort shot Coytomore dead and wounded his companions. Upon this the garri-

[1] *So. Ca. Gazette.*

son fell upon the unfortunate Indian hostages within the fort and butchered them all in a shocking manner. The result of this was disastrous. Few men in the Cherokee Nation did not lose a friend or relative by this massacre, and with one voice they all immediately declared for war. Burning with impatience to imbue their hands in the blood of their enemies, they rushed down among the innocent and defenceless families on the frontier, and men, women, and children fell sacrifices to their merciless fury. Those who escaped the Indians perished with hunger, and those who were taken captives were carried into the wilderness and suffered incredible hardships. The inhabitants of Long Canes, in what is now Abbeville County, fled for refuge to the older settlements and more protected parts of the country.[1]

One of the most terrible incidents of this uprising was the massacre of the Calhouns. A party, of whom Patrick Calhoun was one, attempting to remove their wives, children, and most valuable effects to Augusta, were attacked by the Cherokees on the 1st of February, 1760, and some fifty, mostly women and children, were slain. Many children were found, after the massacre, wandering in the woods. One man found nine of these little fugitives; some had been cut and left for dead, others were found in the bloody field scalped, yet living. Two little girls, daughters of Mr. William Calhoun, — brother of Patrick, — were carried into captivity. The elder of them was, after some years, rescued; the other was never heard of. The scene of this massacre is on a descent just before reaching Patterson's bridge. Attacked at the moment when they had stopped to make an encampment, and entangled by their wagons, they could offer but little

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 228; Ramsay's *Hist. of So. Ca.*, vol. I, 176.

resistance. Some, however, were so fortunate as to escape; cutting loose the horses and favored by night they fled to another part of the company, which was making their way to the Waxhaws. Among the slain was the mother of the party, Mrs. Catherine Calhoun, and a curious stone, engraved by a native artist, marks the spot where she fell among her children and her neighbors. Patrick Calhoun, who returned to the place where the tragedy had happened to bury the dead, found twenty dead bodies inhumanly mangled. The Indians had set fire to the woods, had rifled the carts and wagons, but had not destroyed them. Patrick Calhoun represented the settlement as at the time amounting to about two hundred and fifty souls, fifty-five to sixty-five of whom were fighting men, but they were not then in a condition to resist.[1]

It must have been a bitter mortification to Governor Lyttleton to witness this result of his glorious, but bloodless, campaign, for which he had so complacently accepted the adulation of the people, who supposed that he had really secured for them a lasting peace. It must have been still more mortifying to him to have at this time to turn over the government to William Bull, who had now received his commission as Lieutenant Governor,[2] and to whose advice he had refused to listen when the Indian chiefs had come to treat for peace. Whether he would have desired to remain to recover a right to the compliments of the people so freely bestowed, we have no means of ascertaining, for about this time he was transferred to the government of the colony of Jamaica. then esteemed the highest colonial appointment. and sailed for his new province on the 4th of April, 1760.[3]

[1] Howe's *Hist. Presb. Ch.*, 307.

[2] *So. Ca. Gazette* of March 6. 1760, announces that his commission had come over in the *Live Oak*.

[3] *So. Ca. Gazette.*

Governor Lyttleton's experience was but a repetition of Oglethorpe's and Braddock's — the result of the same overweening confidence each of these had in his own superiority and contemptuous disregard for the opinions of the colonists in matters about which neither of them could possibly have had any personal experience, and with which the colonists had a lifelong familiarity. Had Oglethorpe listened to Palmer, and Braddock to Washington, and Lyttleton to Bull, each might have been spared an ignominious failure, and the unfortunate people whose fortunes were in their hands might have been saved infinite distress and misery. These were among the first lessons in the necessity of home rule in America.

CHAPTER XIX

1760–65

Thomas Pownal[1] had been commissioned Governor of South Carolina in the room of William Henry Lyttleton, and awaiting his arrival William Bull, who had been Speaker while his father was Lieutenant Governor, and who had now himself been appointed to that office,[2] issued his proclamation assuming the administration on the 16th of April, 1760.[3] Pownal did not come to the province, and Bull continued to administer the government until the arrival, on the 22d of December, 1761, of Thomas Boone, who was transferred from the government of New Jersey to that of this province. In the fifteen years during which William Bull was to hold the office of Lieutenant Governor he was repeatedly to be left to an administration involved in difficulty. By his judicious conduct, securing the confidence of his fellow-citizens, he was repeatedly to restore order and good will in the province. The fifth and last time it was too late, though it has been supposed by some that had he been invested with supreme power in the province at the crisis of American affairs there might have been no revolution in South Carolina.[4]

[1] Thomas Pownal had previously held at the same time the commission of Lieutenant Governor of New Jersey and that of Governor of Massachusetts, and had, in 1757, attempted to govern both provinces at once, but this he found impracticable. He afterward was a member of Parliament and zealously advocated the cause of the colonies. Hildreth's *Hist. of the U. S.*, vol. II, 474–476, 539, 540, 549–552.

[2] *So. Ca. Gazette*, April 7, 1760.

[3] *Council Journal*, April 16, 1760.

[4] Johnson's *Traditions*, 61.

On the 1st of April, three days before Governor Lyttleton embarked, the ship *Albany*, with six transports, arrived at Charlestown from New York, having on board a force of twelve hundred men to act against the Cherokees, sent by Major General Amherst, who had chief command of the British forces in America. This force was under the command of Colonel Montgomery,[1] and consisted of the 77th Regiment of Foot, called the Royal Scots, and his own Regiment of Highlanders. The latter were to remain in garrison at Charlestown. On the 4th the transports, with the troops which were to operate against the Indians, sailed up Cooper River to Mr. Brailsford's plantation, whence they marched to Monck's Corner, where they awaited the collection of wagons for their baggage and supplies.[2]

Lieutenant Governor Bull did not, however, sit idly resting alone upon the protection of this British force sent to his assistance. He applied to the neighboring provinces of North Carolina and Virginia for assistance, and himself raised seven troops of Rangers to protect the frontier, and to cooperate with the regulars in carrying on offensive operations in the Indian territory. Great was the joy of the province upon the arrival of these troops — the first British soldiers, with the exception of Oglethorpe's Regiment, raised by him for special service in Georgia, seen in South Carolina in the ninety years since the province was founded: but as the completion of the conquest of Canada was the grand object of that year's campaign, Colonel Montgomery's orders were to strike a decisive blow for the relief of the province, and return immediately to Albany. Nothing was omitted to forward the expedition,

[1] Archibald Montgomerie, who succeeded in 1769 to the Earldom of Eglinton. Burke's *Peerage*.

[2] *So. Ca. Gazette*, April 17, 1760.

and several gentlemen of fortune formed themselves into a company of volunteers and joined it.

Colonel Montgomery in a few weeks marched to the Congarees, where he was joined by the militia and volunteers, and immediately set out for the Cherokee country. He marched with great expedition, and his vengeance was summary. The towns and villages occupying the beautiful valley of the Keowee were reduced to ashes, their magazines of corn consumed, some sixty to eighty slain, and forty, chiefly women and children, made prisoners.[1] These settlements occupied the territory of the present counties of Anderson, Pickens, and Oconee in South Carolina, and Cherokee and Macon in North Carolina.

Unfortunately Colonel Montgomery's orders did not permit him to remain and secure the fruits of his expedition. These he was compelled to abandon and to return to Charlestown, and in August he embarked for New York, but left four of his companies to cover the frontier. Montgomery's retreat sealed the doom of Fort Loudon on the Tennessee, which had been established by Governor Glen, and its garrison of two hundred men under Captain Demere. Famished with hunger, they capitulated and were allowed to march forth to return to Carolina. On the very next day they were surrounded. Demere the commander, three other officers, and twenty-three privates, — the exact number of hostages Governor Lyttleton had detained in custody, and who were slain by the soldiers, — were killed. The rest were distributed as captives among the tribe. And now occurred a most interesting incident in which Attakullakulla proved his fidelity and preserved the life of his friend Captain Stuart. This officer who had been second in command to Captain Demere — an officer of great sagacity and address, and much beloved by

[1] Letter of James Grant, *So. Ca. Gazette*, June 7, 1760.

all the Indians that remained true to the British interest — had been spared his life, but was among the captives. As soon as Attakullakulla learned this he hastened to the fort, and purchased Captain Stuart from the Indian that took him, giving his rifle, clothes, and all that he could command by way of ransom. He then took possession of Captain Demere's house, where he kept the prisoner as one of his own family, freely sharing with him the little his table afforded, while he sought an opportunity of rescuing him. While thus a prisoner at Fort Loudon the accidental discovery by the Indians of ten bags of powder and ball, which the officers had buried in the fort, nearly proved fatal to Captain Stuart. But it was thought that his life at present might be more useful to them. Having secured this ammunition a council was called at Chote, to which the Captain was brought and put in mind of the obligations he lay under for the sparing of his life. He was informed by his captors that they had resolved to attack Fort Prince George, and to carry six cannon and two cohoons, which must be managed by men under his, Captain Stuart's, command: that he must go with them and write such letters to the commandant of the fort as they should dictate; that if the officer in command should refuse to surrender, they would burn the prisoners one after another before his face, and try if he could be so obstinate as to hold out while he saw his friends expiring in the flames. In this emergency Attakullakulla determined at once to effect the escape of his prisoner and friend. For this purpose he gave out among the Indians that he intended to go hunting for a few days and would take his prisoner along with him. In the meanwhile Captain Stuart urged his fellow-captives, the soldiers, to remain firm, assuring them they could not expect to be ransomed by the province if they gave the

least assistance to the Indians in their proposed attack upon Fort Prince George. Attakullakulla then set out, accompanied by his wife, his brother, Captain Stuart, and two soldiers. Nine days and nights they travelled, shaping their course by the light of the sun and moon for Virginia, and on the tenth arrived on the banks of the Holstein River, where they fortunately fell in with a party of three hundred men, sent out by Colonel Bird for the relief of such soldiers as might make their escape that way from Fort Loudon. On the fourteenth day, reaching Colonel Bird's camp on the frontiers of Virginia, Captain Stuart loaded his faithful friend and preserver with presents and sent him back to protect the remaining unhappy prisoners till they should be ransomed, and to exert his influence among the Cherokees for the restoration of peace.[1]

Captain Stuart dispatched an express to Lieutenant Governor Bull, informing him of the disaster to the garrison of Fort Loudon and of the designs of the Indians

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 239, 242. Captain John Stuart probably came out with the Highlanders under Hugh McKay and Oglethorpe, who settled at New Iverness, Georgia. He is said, with his brother Francis, to have taken part against the Spaniards, and to have served under Oglethorpe. But he was not the Stuart who was left in command of Fort William, on Cumberland Island, during the Spanish invasion in 1742. That was a Lieutenant Alexander Stuart. Until the Revolution, he successfully kept up hostilities between the Cherokee and Creek Indians, that the colonists might be free from their inroads. He became a member of the King's Council, in 1769, and one of the most active and dangerous of the Royalists. He married Miss Fenwick, a lady of one of the most prominent families in the province, and lived in handsome style in one of the best houses in Charlestown — that still standing at the west corner of Tradd and Orange streets, lately owned by William Carson, Esq., now by A. Markley Lee, Esq. In this house was born his son, John, who distinguished himself as a general in the British army in the Peninsula, was knighted, and became Sir John Stuart. Johnson's *Traditions*, 106, 109; Stevens's *Hist. of Ga.*, vol. ?, 126, 193, 194.

against Fort Prince George. Governor Bull immediately ordered Major Thompson, who commanded the militia on the frontier, to throw into the fort provisions for ten weeks, and warn the commanding officer of his danger. He detained the Royal Scots there, and made another appeal to General Amherst for assistance, and this, Canada now fortunately having been reduced, the Commander-in-Chief could the more easily afford. Colonel Montgomery, who commanded the former expedition, having by this time embarked for England, the command of the Highlanders devolved on Lieutenant Colonel James Grant, who received orders to return to the relief of South Carolina. Early in the year 1761 he landed at Charlestown, and went into winter quarters until the proper season should approach for taking the field.[1] Lieutenant Governor Bull raised a Carolina regiment, and put it under the command of Colonel Thomas Middleton. This regiment and the expedition upon which it went were remarkable as the school in which several of the most distinguished officers of the Revolution learned their first lessons in the art of war. Its other field officers were Henry Laurens, Lieutenant Colonel; John Moultrie, Major. William Moultrie, Francis Marion, Isaac Huger, and Andrew Pickens served as company officers.

As soon as the Highlanders were in a condition to take the field Colonel Grant set out for the Cherokee territories. When joined by the Provincial Regiment and Indian allies he mustered about twenty-six hundred men. On the 27th of May, 1761, he arrived at Fort Prince George, and on the 7th of June began his march from it, carrying with him provisions for thirty days. When near the place where Colonel Montgomery was attacked the year before, the Indian allies in front observed a large

[1] *So. Ca. Gazette*, April 4, 1761.

body of Cherokees posted upon a hill. An alarm was given. Immediately the savages rushing down began to fire on the advanced guard, but this being well supported repulsed them. Colonel Grant ordered a party to drive the enemy from the hills. The engagement became general and was fought on both sides with great bravery. The situation of the troops was in several respects unfortunate and trying; fatigued by a tedious march in rainy weather, galled by the scattering fire of savages who when pressed fell back but rallied again and again. From eight o'clock in the morning until eleven the Indians continued to keep up an irregular and incessant fire — sometimes from one place, sometimes from another; but at length they gave way and were pursued.

The army proceeded to attack a large Indian town which they reached about midnight and reduced to ashes. Every other town in the middle settlements shared the same fate. Their magazines and cornfields were likewise destroyed, and the unhappy Indians who had been treacherously goaded into the war were driven to seek shelter and provisions among the barren mountains — their fields destroyed, their villages burned, their women and children and old men left to perish.

Colonel Grant continued for thirty days in the heart of the Cherokee territories. Upon his return to Fort Prince George his men were so much exhausted in strength and spirits they were unable to march any further. He therefore encamped at that place to refresh his army and wait the result of the heavy chastisement he had inflicted upon the Cherokees.

Soon after Colonel Grant's arrival at Fort Prince George, Attakullakulla again came to his camp and sued for peace. Colonel Grant furnished him, and several chieftains who accompained him, with a safe guard to

Charlestown, and Lieutenant Governor Bull called a council to meet him at Ashley ferry. Bull received Attakullakulla very differently from the way in which Lyttleton had received Occonostota. He took him by the hand as a pledge for his security while under his protection. A fire was kindled, the pipe of peace was lighted, and all smoked together for some time in great silence. Attakullakulla then opened his mission, and, in a speech of great dignity and pathos, sued for peace. This Bull readily granted.

Thus ended the war with the Cherokees, which had proved ruinous to them and disastrous to the colonists. After incalculable mischief was done to both parties, peace was nominally declared; but the hatred now entertained by the Cherokees to the Carolinians could not be so easily overcome: it continued to rankle in their hearts, until another opportunity for vengeance should arise, and when it did come they were not slow in seizing upon it.

The people had welcomed the arrival of the British troops with acclaim, and congratulated themselves in the protection which they conceived the regular troops of England assured them. But upon the expedition under Colonel Grant, the friction which had arisen between Oglethorpe and Vander Dussen, Braddock and Washington, again appeared here between this officer and Colonel Middleton, who commanded the provincials. The latter officer considered himself slighted and neglected by the British commander during the campaign, and upon their return the matter became the subject of angry discussion in the *Gazette* and terminated in a duel, Colonel Middleton challenging Colonel Grant to mortal combat. The duel happily terminated without bloodshed, but the controversy left much ill feeling, and the incident was not without its influence in coming events, especially in

regard to the question of quartering British troops upon the colonists which was soon to arise in the northern colonies whose action thereon was to be followed in this.

The next Royal Governor of the province was Thomas Boone, who at the time of his appointment was Governor of New Jersey; he had, however, been a resident of South Carolina, and was the owner of an estate in the province. He was probably a relative of the family of Boones who had been long established in the colony, one of whom, Joseph Boone, has so frequently appeared in the history of the province both under the Proprietary and Royal governments; but this is mere conjecture; little is really known of his history besides the episode of his gubernatorial career. The time and place of his birth and even of his death are matters of doubt; but it is believed that both of these events took place in England. It is supposed that he was the son of Thomas Boone, Esq., in the county of Kent, who died in 1749, and was related in some way to two or three of the name who held important trusts under the Crown. He was appointed Governor of New Jersey in 1759 while residing in South Carolina, and arrived in New Jersey on the 10th of May, 1760, but did not receive his commission until about the 1st of July, nor did he meet the Assembly until the 30th of October following, nearly a year after the date of his appointment. In less than six months from that time, April 14, 1761, he was appointed Governor of South Carolina. Leave had been granted him by the Lords Commissioners of Trade and Plantations to visit England before entering upon his new government; but though relieved of the government of New Jersey by his successor on the 30th of October, 1761, he did not avail himself of it. In a letter of November 24th, from New York, he declared that the doubtful situation of South Carolina, to which the King had been most graciously

pleased to promote him, had prompted him to waive making use of his Majesty's permission to go to Europe, however detrimental this resolution might be to his private affairs.[1]

Governor Boone arrived in Charlestown on the 22d of December, 1761, and was received with honors. He seems to have made many warm friends during his brief career in New Jersey — a popularity which was attributed to his genial manners and supposed honesty of purpose rather than to his bearing and ability as a chief magistrate. Returning to the colony in which he had previously lived, with a reputation gained in New Jersey, added to the predisposition of the people to welcome to the government one whose practical experience they believed would fit him the better to understand their situation and appreciate their needs, the South Carolinians turned out to do honor to their new Governor. The Charlestown militia regiment was drawn up in Broad Street and Captain Gadsden's artillery was stationed at Granville's Bastion. The forts and all the vessels in the harbor displayed their colors, and salutes of artillery were fired as he landed. He was met upon landing by two members of the Council, and passing through the two lines of troops he attended at once the Council Chamber where his commission was opened and read. Thence he proceeded to Granville's Bastion where his commission was read a second time and the artillery again saluted him. Then he made a formal visit to the Lieutenant Governor, who was confined by illness to his bed. After this his Excellency dined with his Majesty's Council at Poinsett's Tavern where an elegant entertainment had been prepared. In their addresses of welcome the Council and Commons both refer to his well-

[1] *N. J. Archives*, vol. IX, 188–307; *So. Ca. Gazette*, 1760.

known character of uprightness and ability, and ninety gentlemen join in an address expressing their great satisfaction at his appointment, and declaring that if it had been left to them to choose they knew of no gentleman whom they would have preferred for their Governor.[1]

It was under such auspicious circumstances that Governor Boone entered upon the administration of his office in South Carolina. The doubtful situation which had induced him to forego his trip to Europe had been relieved before his arrival. Lieutenant Governor Bull's treaty with Attakullakulla had put an end to the Indian difficulties, at least for the present; and the colony was in the happy and prosperous condition in which Governor Lyttleton had supposed it to be when receiving the flattering addresses upon his return from his military expedition. But these pleasing prospects were soon to be dispelled by the action of the Governor himself, whose conduct, belying all the fair hopes entertained for his administration, was to tend to wean the people from the Royal government and to prepare the way for resistance to its acts and ultimately to its overthrow.

It will be recollected that the Revolution of 1719, whereby the Proprietary government had been overthrown and the Royal government established, was brought about in a great measure by the refusal of the Proprietors to allow the act of 1716, whereby a reform had been made in the previous election system, and voting precincts established in every parish, the conduct of the elections being intrusted to the church wardens. Under Governor Nicholson's administration in 1721 the act had been carefully revised and another passed, settling the manner and form of electing members of the House of Commons, pro-

[1] *So. Ca. Gazette*, January, 1762.

viding the qualifications of the electors, the manner of voting, empowering the church wardens to manage the elections, providing the number of representatives to be chosen and fixing their qualifications. This act had been from time to time further amended, principally in regard to the qualifications of representatives.[1] The Assembly sitting when Governor Boone arrived had been elected under the provisions of these acts. On the 25th of December, three days after his arrival, his Excellency issued a proclamation announcing that his Majesty had been pleased with the advice of his Council to declare his disallowance of certain acts, one of them, that of 1759, amending the election law of 1721, — which amendments related only to the qualifications of representatives, — and that as the present Assembly had been chosen under the act of 1759, thus disallowed and repealed, he dissolved it and issued writs for a new election.

The new Assembly met on the 22d of February and adjourned for three weeks. Upon its reassembling, on the 19th of March, 1762, the Governor sent for the Commons. He said that having had occasion lately to examine the election act of 1721 he had found it so loose and general, so little obligatory in prescribing the forms to be observed on various occasions that might happen, that he thought a new law absolutely necessary. He then went into a dissertation upon the subject, and in order that the endeavor of the Commons might not be fruitless he undertook to state to them the reason which had determined the Lords Commissioners of Trade and Plantations to disallow the act of 1759. The act of 1721 was no doubt a subject of sentiment and pride to the colonists. It was the embodiment of the law for which they had revolted against the Proprietors in 1719 and which had

[1] *Statutes of So. Ca.*, vol. III, 135–592; IV, 98.

been allowed them by the Royal government upon its establishment under Nicholson.

The Commons heard the Governor and returned to their Chamber. They referred the matter to a committee, and on its report they returned the rather curt answer that "having fully considered the election act now in force, and not knowing or having heard of any bad consequences from the method thereby directed for issuing and executing writs of elections, are of opinion that it is not necessary at this time to alter that law in these respects."

Had Governor Boone possessed the amiability and tact with which he was accredited in his brief administration in New Jersey, he would have perceived that the subject was one upon which the people were sensitive and would have avoided unnecessary questions in regard to it; but he seems to have determined to have an issue with the Commons in regard to this law. As they would not amend it to suit him, he undertook to criticise its working in the election of members, and thus complicated the question with another equally important and about which the Commons were likely to be no less sensitive, namely, his right to judge of the qualifications of these members.

The Assembly had been prorogued, and soon after a writ of election had been issued to the church wardens of St. Paul's Parish for the election of a member, upon which a return had been made by them that Christopher Gadsden had been duly elected. Mr. Gadsden appeared and qualified before the House on the 13th of September, 1762, and by their order, as was customary, was sent with two of their members, Mr. Bee and Mr. Sommers, to take before the Governor what was called the State Oath — an oath abjuring all cognizance of the rights of the Stuart

family; but the Governor refused to administer the oath to Mr. Gadsden and summoned the whole Assembly to meet him in his Council Chamber. He then objected to Mr. Gadsden's election because the church wardens had not been sworn for that particular election. It appeared, however, that the church wardens had taken an oath when elected to that office that they would duly execute the duties pertaining to it, of which duties the holding of such elections was a part. It was claimed too that wherever a representative body is known to the law it is invariably the final judge of the qualification of its members, and that in this instance the House had approved Mr. Gadsden's election. The Governor, however, not only refused to admit Mr. Gadsden's election, but dissolved the House of Assembly for their contumacy.

The technical point raised by the Governor was certainly not without force. The provision of the act of 1721 required that the church wardens — or in case there should be wanting church wardens in any parish, the persons named in the writs to manage an election — should execute the writs faithfully, "to which every such person shall be sworn by any one justice of the peace for the county," etc. Under this provision it seems quite clear that the church wardens were to be specially sworn to the discharge of these specific duties, which did not in fact pertain to their duties as church wardens, but were civil duties superadded by special legislation. But the act of 1721 had been in quiet and successful operation for forty years and the continued practice under it had sanctioned the custom; and even if the Governor was technically right, it was no part of his duty to stir up the matter, least of all in the way in which he did. His subsequent conduct induces the suspicion that he was rather on the alert for a cause of quarrel, especially with Mr. Gadsden.

In the ensuing winter a new election was held and a new Assembly convened of which Christopher Gadsden was again returned a member. The first measure of the new Assembly was a remonstrance to the Governor against the late dissolution of the preceding House, declaring that it would tend to deprive the House of Assembly of a most essential privilege — that of solely determining the validity of the election of its own members, and would produce the most dangerous consequences.

They resolved that the power of examining and determining the legality and validity of all elections of members to service in the Commons' House of Assembly of the province was solely and absolutely in and of right did belong to and was inseparable from the representatives of the people met in General Assembly. That the Governor could not constitutionally take notice of anything said or done in the Commons' House of Assembly but by their report, and that his censuring their proceedings was contrary to the usage and custom of Parliament. That Christopher Gadsden, having been declared by the last Commons' House of Assembly a member thereof duly elected, and having taken the proper qualification oath, his Excellency the Governor's refusal, when requested by message from the House to administer to him the State oaths required by law, in order to enable him to take his seat therein, was a breach of privilege. That the abrupt and sudden dissolution of the last Assembly for matters only cognizable by the Commons' House was a most precipitate, unadvised, unprecedented procedure of the most dangerous consequences, being a great violation of the freedom of elections and having a manifest tendency to subvert and destroy the most essential and invaluable rights of the people, and to reduce the power and authority of the House to an

abject dependence and subservience to the will and opinion of the Governor.

The Governor replied to these resolutions, insisting upon his right to scrutinize the election of members in the exercise of his executive power under the Crown; and several communications having passed between the Commons and himself, on the 16th of December it was resolved in the House "that his Excellency the Governor having repeatedly and contemptuously denied the just claim of the House (solely to examine and determine the validity of the elections of their own members) hath violated the rights and privileges of the Commons' House of Assembly of this province; and further that this House (having ineffectually applied to his Excellency for satisfaction of the breach of privilege) will not enter into any further business with him until his Excellency shall have done justice to the House on this important point."

But this action was not taken without strenuous opposition by some of the Assembly, and Mr. William Wragg in a communication to the *Gazette* of the 5th of February, 1763, gives his reasons for having opposed the resolutions: (1) Because there had been borrowed out of the township fund (appointed for the encouragement of settling foreign Protestants among them) the sum of £54,000 and upward for the payment of Rangers raised during the Cherokee war. If no business were done, that fund could not be reimbursed. (2) An immediate check would be given to the application which their agent recommended should be made for a certificate of the forces actually employed in the province to be laid before the Lords of the Treasury for procuring a proportion of the money granted by Parliament for the several colonies. (3) The necessity of withdrawing the garrison from Fort Prince

George and thereby abandoning the back settlers to the Indians. (4) The public credit must suffer, and (5) involve the province in difficulties and reduce individuals to a state of misery because the Commons happen to be displeased with his Excellency's conduct. These grounds upon which Mr. Wragg acted were certainly strong and sensible, however much cause there was for just irritation at the Governor's conduct. But Mr. Gadsden took up the controversy and replied in a communication taking up seven and a half columns in the *Gazette*, which would fill a pamphlet of fifty pages of three hundred words each. This brought on also another controversy between Mr. Laurens and himself in regard to the matter; and the war waged until a subscriber worn out with it writes to the editor that the *Gazette* of the 15th of February had come to his hands that day; but that instead of being entertained with the weekly occurrences which he had always understood to be the end of that paper, he found himself engaged in reading a long and unintelligible controversy concerning a late unhappy dispute. He goes on to say that if a further vindication of the proceedings in that matter was deemed necessary, he sincerely wished that some impartial and judicious person had undertaken the task.[1] The writer is very severe upon Mr. Gadsden's style, which certainly was not calculated to elucidate the subject, nor indeed was anything more necessary to a clear understanding of it than the able report and resolutions of the committee adopted by the House on the one hand and Mr. Wragg's clear and concise objections to the course pursued on the other.

South Carolina as we have seen, as well as the other provinces, had had agents in London for the purpose of

[1] *So. Ca. Gazette*, March 8, 1763.

representing the interests of the colony and of presenting to the proper departments of the British government any communications that they might be instructed to make to the colonial department and to the agents of the other colonies resident in London, and to execute any other instructions that might be intrusted to them. This agency, as we have before observed, was certainly a singular institution. We have seen the confusion which was created and the evils which arose under the Proprietary government by reason of the various agencies, regular and irregular, which existed in the last days of that rule. There was now, however, but one agent, Mr. Charles Garth, who had been a member of Parliament, and who was regularly constituted and appointed by act of the 19th of May, 1762, in the language of the statute "to solicit and transact the affairs of the province in Great Britain."[1] But this agent, while nominally the agent of the province, and so it might be supposed an officer under the Governor and Council, was in practice strictly the agent of the Commons' House, and through him this body by a committee of correspondence kept up a regular channel of communication with the government at home entirely independent of the Governor. And though these communications had — until Governor Boone's interference with one of them — passed through the Governor's hands with his mail, he was, or was supposed to be, in ignorance of their contents. Governor Boone's conduct interrupted this channel of communication. Upon one occasion he broke the seal of a communication from Mr. Garth and sent the letter to the House with an abrupt message; this was considered as a breach alike of propriety and confidence, and no more letters from Mr. Garth came through him. It is difficult to conceive an insti-

[1] *Statutes of So. Ca.*, vol. IV, 164.

tution more calculated to excite distrust and suspicion and to produce complications between the executive and legislative departments of a government. It was of course resorted to upon this occasion. All the communications relating to the dispute with the Governor were sent by the committee to Mr. Garth, who was instructed to print them and to submit the whole dispute to the Ministry. The Assembly also adopted an address to his Majesty, setting out their unhappy difficulties with the Governor, maintaining that his assumed power of interfering in their popular election would not only violate the charter of the province under which they were prospering and happy, but would be destructive of their personal rights as British subjects. It is curious to observe how pertinaciously the colonists clung to the charter of the Proprietors, as still in force as far as their rights were concerned, though the government under it had been overthrown and the charter itself surrendered. This address was also forwarded to Mr. Garth and presented by him at a meeting of the British Ministry and by them referred to the Board of Trade and Plantations. The proceedings were also published by order of the House in both the *Gazettes* of the province.

The House meanwhile adhered to their resolution of having nothing to do with the Governor, laid all his messages and recommendations on the table, refused to pass a tax bill or to appropriate money for the salaries of the Governor or of officers, not even for their faithful agent, Mr. Garth. But there was one matter in which they could not carry out their theory of absolute non-intercourse, and that was in the qualification of new members, as the custom had always been that the Governor should administer the State oaths; and it happened at this time that Sir John Colleton had been elected to fill a vacancy.

In questionable taste, as if to irritate the Governor, the House in selecting two of its members to accompany the newly elected member to the Governor and see him take the oaths, sent Mr. Moultrie and Mr. Gadsden, the person whose seat the Governor questioned. On the 17th of September Mr. Gadsden reported to the House that in obedience to these orders Mr. Moultrie and himself had attended Sir John Colleton to see him take the State oaths before the Governor at his own house, when Sir John in their presence informed his Excellency that he had taken the usual qualification oath in the House and desired his Excellency to administer the State oaths to him; that thereupon his Excellency was pleased to ask Mr. Gadsden and Mr. Moultrie if they had any message to deliver to him from the Assembly; that Mr. Gadsden had answered that he and Mr. Moultrie attended Sir John Colleton by order of the House to see him take the State oaths; that his Excellency had replied that the House had no right to order any person into his dwelling house, and thereupon called his servant to open the door for Mr. Gadsden and Mr. Moultrie, at the same time taking Sir John by the sleeve and saying that if he had any business his Excellency was ready to transact it with him; that thereupon Mr. Gadsden and Mr. Moultrie bowed and retired, the Governor literally showing them to the door. The Governor had certainly given a Roland for an Oliver. Sir John Colleton was admitted to his seat on his own statement that he had taken the State oaths before the Governor. But his Excellency was not satisfied.

Four other members having been elected and having qualified before the House were sent by its order with Mr. Parsons and Sir John Colleton to witness their taking the State oaths before the Governor. They returned, reporting that they had gone accordingly, but that the

Governor had refused, saying that he would not take any man's word, but would send for the Journal and see for himself, and then act as he should think proper. Upon this the House of Assembly resolved that his Excellency the Governor, by his treatment of the members of the House who waited upon him, to see several gentlemen duly returned members of the House take the State oaths, hath been guilty of new insults to, and breach of the privileges of, this House.

Letters were now received from the agent in England, Mr. Garth, saying that the government there could not act upon the *ex parte* statement of the Commons; but that leave had been sent Governor Boone that he might come to England to be heard. The Governor did not, however, accept the invitation, and the Board of Trade, awaiting his coming, would not proceed in the investigation.

But Governor Boone at last gave up the controversy. Mr. Thomas Smith and Mr. Brailsford having been elected members of the House on the 6th of January, 1764, were sent with Mr. Pinckney and Mr. Drayton to offer to take the State oaths before the Governor, and to their surprise his Excellency, without further opposition, administered them. The Governor having given up this point, a motion was now made to discharge the order of the 16th of December, 1762, to do no more business with him; but it was lost. Governor Boone then prorogued the Assembly, and upon its reassembling in May he attempted to renew his relations with the Commons; but the House continuing firm in its refusal to have any intercourse with him, he availed himself of his leave of absence and sailed for England about the middle of May, 1764. Governor Boone was regarded as a dissolute man, and with him there sailed a lady who was not his wife. It is very probable that this social scandal had much to do with

the relations of the Governor to the gentlemen who constituted the House, and this, with the absence of any acknowledgment of mistake or regret upon his part, for the obstruction to the public business, or of any assurance that he would not resume his offensive course, induced the refusal of the House to resume their intercourse with him.

Notwithstanding Governor Boone's conduct and the time wasted in his disputes with the Commons, the province received a large acquisition to its population during his administration. The immense territory which had been practically annexed or included within its limits under Governor Glen's treaty with the Cherokees had not been yet safely opened to immigration by reason of the French war and the attacks of the Cherokees under the French influence; but the Treaty of Paris in November, 1762, put an end in a great measure to this danger, as its stipulations gave security to the frontiers; his Christian Majesty ceding to Great Britain all conquests made by that power on the Continent of North America to the left bank of the Mississippi, reserving only the island of New Orleans; and England having taken Havana from the Spaniards, that city was exchanged for the Floridas, thus at last removing that source of danger, which had continuously threatened and disturbed the province since its foundation ninety years before. Immigration now began to pour into the upper country. The Scotch-Irish continued to come from Pennsylvania and Virginia, and from the latter State a large number of excellent and prosperous people came, seeking new and fertile lands, principally in the bottoms of the Congaree, the Wateree, the Broad, and the Saluda. Two large colonies came from European sources.

A remarkable affair, says Hewatt, happened in Germany

by which Carolina received a great acquisition.[1] One Stumpel, a Prussian officer, induced some five hundred or six hundred Germans, Palatines as they were called, to leave their native country under certain promises which he had, or conceived that he had, from the British government. He was unable to carry out his scheme, and having got these poor people as far as England he fled, leaving them without money or friends exposed in the open fields ready to perish through want. A bounty of £300 was allowed them, and they were assisted by public-spirited citizens of London in their transportation to South Carolina. Two ships of two hundred tons each were provided for their accommodation, and provisions of all kinds laid in for the voyage, and one hundred and fifty stand of arms given them for their defence after their arrival in America. Everything being ready for their embarkation, the Palatines broke up their camp and proceeded to the ships, attended by several of their benefactors, of whom they took leave with songs of praise to God in their mouths and tears of gratitude in their eyes. They arrived at Charlestown in April, 1764, and presented a letter to Governor Boone from the Lords Commissioners of Trade and Plantations, informing him that his Majesty had been pleased to take the poor Palatines under his Royal protection, and as many of them were versed in the culture of silk and vines, had ordered that a settlement be provided for them in Carolina in a situation most proper for their purposes. Governor Boone could do nothing, but as soon as he left the Assembly voted £500 sterling toward their settlement to be distributed according to the directions of the Lieutenant Governor. That they might be settled in a body, a township called Londonderry was

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 269–272. Ramsay follows Hewatt *verbatim*, *Hist. of So. Ca.*, vol. I, 17–19.

allotted to them and divided into small tracts for the accommodation of each family, and Captain Calhoun with a detachment of Rangers had orders to meet them by the way and conduct them to the place where their town was to be built, and all possible assistance was given toward promoting their speedy and comfortable settlement. Dr. Bernheim, in his work on the *History of the German Settlements*, locates the place of their settlement on Hard Labor Creek in Abbeville County.[1]

In the same year Carolina received 212 settlers from France.[2] Soon after the peace of Paris the Rev. Jean Louis Gibert, a spiritual leader and popular preacher, prevailed on a number of persecuted Protestant families to seek an asylum in South Carolina. On his solicitation the government of England encouraged the project and furnished the means of transportation. Mr. Gibert repaired to England and directed the movements of the refugees, who found it necessary to leave France secretly at different times and in small numbers. They were received by the Carolinians with great kindness and hospitality, and spent the summer in Beaufort, but in October following they returned to Charlestown and set out for the back country. The province furnished them with the means of conveyance to Long Canes, — the neighborhood of the massacre of the Calhouns, — in what is now Abbeville County, and vacant lands were laid out for their use. They gave the place assigned them the names of New Bordeaux and New Rochelle, after the capitals of the provinces from which most of them emigrated. To each head of a family was assigned a half-acre lot within the town and as many as 174 lots

[1] *Hist. of the German Settlements*, etc., in North and South Carolina (Bernheim), 165.

[2] Ramsay's *Hist. of So. Ca.*, vol. I, 19.

were laid out as early as April, 1765. Vineyard lots, containing four acres each, were likewise granted and laid out adjacent to the limits of the town, and about the same time parcels of land of 100 acres each were given as bounties to each male and female adult. All these grants lay in Hillsborough township, at that time the only civil jurisdiction in this part of the province, a section of country about ten miles square lying on both sides of Little River and extending westwardly to the Savannah. In February, 1765, the emigrants had erected their houses and commenced to labor on their half-acre lots. The exposed condition of the little community rendered it doubtless alert on every rumor of invasion by the Indians. From the town to the mountains spread out an extensive tract of country through which the Indians in the few years preceding, as we have seen, had passed in their inroads upon the settlements below. From the remoteness of the white settlements the colony was naturally kept in constant apprehension of attack. The nearest neighbors were the small colony planted in 1756 by Patrick Calhoun which, as we have seen, suffered so severely by the Indians in 1760. Upon a rumor of hostilities Patrick Calhoun had just raised the company mentioned of which he was commissioned captain, serving however without pay.[1] Mr. Calhoun for some time supplied these people with provisions, for which he was afterward repaid by the Council. They were a pious and simple people among whom there were few idlers. With the hum of cheerful voices and the busy sounds of industry was mingled the once interdicted psalm. It was the intention of the promoter of this immigration to establish the culture of wine and silk, but, finding these less successful than was anticipated, they devoted themselves

[1] *So. Ca. Gazette*, October 8, 1764.

chiefly to the raising of flax, Indian corn, and tobacco; but with some, silk, indigo, and wine were not wholly abandoned for generations. The Gibert family were most successful silk growers and long continued to produce a beautiful and useful fabric. Many of these people for a long time supplied their own cellars with wine ; the principal vintage was that of Mr. Jean Noble, an unmarried gentleman, the remains of whose cellar and the house above it, in which he kept a school, were still pointed out not many years ago.[1]

The Rev. Jean Louis Gibert was the grandfather of the great lawyer James L. Petigru. Among others of these emigrants were Moses LeRoy, Jean Bellot and his wife, Pierre Moragne, Pierre Lartugue, the Rev. Moses Boupition, Pierre Roger, Jean David, Pierre Covin, Captain Mathew Beraud, who is said to have been killed at the siege of Savannah, Joseph Bouchillon, and Jean de La Howe, the Hippocrates of the new region, as he has been called, who, having amassed a considerable fortune, made by his last will a magnificent donation for a public charity, which is still preserved. To him was given the privilege of naming the county which he did in compliment to the French colony, after a little time in the north of France—the scene of some cruel persecutions and frightful tragedies in which the Huguenots were the victims. Hence the name Abbeville. To this colony the State of South Carolina is indebted for the family of Perrin, distinguished alike in commercial business, at the bar, and in war.

The German colony and the Huguenot emigrants coming up from the coast thus met the tide of the Scotch-Irish which had come down by the foot of the mountains.

[1] Address of W. C. Moragne, delivered at New Bordeaux, Abbeville, November 15, 1854, ninetieth anniversary of the arrival of the colony. *Coll. Hist. Soc. of So. Ca.*, vol. II, 75, 103.

The retirement of Governor Boone left the administration of the government for a second time upon Lieutenant Governor Bull, whose lot it seemed to be to stand ready to take up and sustain the government when the Royal Governor, who was sent from England to rule the colony, had brought it to the verge of disaster, if not of ruin. He addressed the Assembly, and harmony was immediately reëstablished between that body and the executive. The liabilities of the province were paid and peace and good will restored in South Carolina; but not so in England as to the colony's affairs.

On the arrival of Governor Boone in England he addressed the Board of Trade and Plantations, exhibiting his repeated addresses to the Assembly to provide for the emigrants who were coming into the province to protect the frontier's settlements from the Indians, and to make appropriations for the public creditors. He represented that the House had taken unreasonable offence at his being thus urgent in the duties of his office; that his zeal in executing the instruction of the Board and the commands of his Majesty while contending for the prerogatives of the Crown was the cause of these complaints against him. The Board having heard him very properly reported, blaming the Governor for "having been actuated by a degree of passion and resentment inconsistent with good policy and unsuitable to the dignity of his situation;" and blaming the House for having violated their duty to his Majesty and his subjects of the province by totally interrupting the public business for so long a time — a conduct highly deserving his Majesty's Royal displeasure. They expressed no opinion on the constitutional question, the original cause of the dispute, the refusal of the Governor to qualify an acknowledged member of the Assembly; but went on to recommend what the Governor had with-

held, viz., the appointment of deputies to administer the State oaths to members elected to the General Assembly.

Mr. Garth, the agent, appealed from this vote of censure on his constituents, the Assembly, and employed Dunning, the eminent English lawyer, afterward Lord Ashburton, to represent their constitutional right and justify their conduct; but it is not known what, if any, steps were taken by him in their behalf. Before the dispute terminated the agitation about the Stamp act had commenced.

Dr. Johnson, from whose *Traditions* we have taken much of the account of the controversy with Governor Boone,[1] observes very truly that there can be little doubt that Governor Boone's interference with the election of Christopher Gadsden was an exciting cause in South Carolina for the jealousy of their public and private rights, and that these feelings were confirmed and strengthened by the countenance given to Governor Boone by the British Ministry. Dr. Johnson gives the following names of those who took a prominent part in this controversy, and says that it cannot be doubted that this dispute roused in them, their families, and friends, that spirit of resistance which led to the Revolution, and carried them through it triumphantly: Benjamin Smith, Charles Pinckney,[2] James Moultrie, Thomas Wright, Peter Manigault, Henry Laurens, Thomas Lynch, James Parsons, David Oliphant, Raw-

[1] Johnson's *Traditions*, 5, 13. This account is taken from a Ms. record of Christopher Gadsden, which has since been lost or destroyed. It is corroborated by the Journal of the Commons, which was also supposed to have been destroyed, but which has been found intact but wrongly labelled, and also by the resolves of the Commons, published in the *So. Ca. Gazette* by their order.

[2] This Charles Pinckney was a grandson of Thomas Pinckney, son of William Pinckney, and nephew of Chief Justice Charles Pinckney. We shall see much of him during the remaining years of the Royal government and during the Revolution.

lins Lowndes, Isaac Mazck, Thomas Bee, Christopher Gadsden, William Scott, John Rutledge, Eben Simons, William Roper. But it was Christopher Gadsden who took the leading part in this controversy, not only because of the accidental connection with it which Governor Boone's unwarranted interference with his election gave him; but because of his own individual character and ability — a leading part which he was to maintain throughout the struggle which was to follow. Some account of him, therefore, will be appropriate here in the commencement of the story.

Christopher Gadsden was born in Charlestown in 1724. His father was Thomas Gadsden, a Lieutenant in the Royal Navy and the King's Collector of the port of Charlestown. Sent to England he received a classical education to which he added a knowledge of some of the Oriental languages. Returning from England as a passenger on board a King's ship the purser died, and Mr. Gadsden was appointed to take his place, which he held for two years. He then left the service and devoted himself with great success to a mercantile life, and like many other merchants of his time was also a planter. When Governor Lyttleton made his expedition against the Cherokees in 1759, there was not a single field-piece mounted in all Carolina. Mr. Gadsden, who was a member of the legislature, obtained the passage of an act for raising a company of artillery. He was appointed Captain, and, as we have seen, accompanied Governor Lyttleton upon his expedition. He was Colonel of the first regiment raised by the Provincial Congress in 1775, and became Brigadier General in the Continental service, but he could not stand the restraints of a military life and resigned.

An aristocrat by birth and surroundings, Christopher Gadsden was at heart a democrat, or, more strictly speak-

ing, a republican, using that term in its best sense. He believed in the people and the people's rule. To them upon all occasions he appealed, and with them he acted, and they supported and followed him. We shall see him charged with being a demagogue; but that he was not, for he sought not office nor position for himself. He was always ready to serve the people as a representative, whether in the Commons' House of Assembly or in the Continental Congress; but he sought not place under the Crown, and refused the Chief Magistracy of the State when offered to him. His was, it has been said, the stern virtue which characterized the ancient Spartan, tempered by the milder influences of modern Christianity. Meekness, however, was not one of his characteristics. Without vanity, he was dogmatic and irascible. Illogical and confused in his address, oral or written, he nevertheless had unbounded influence over the populace he addressed.[1] He was an agitator; not a constructor. He was too impracticable for a statesman, for everything must bend to the principles and views he entertained. Settled and firm in his convictions, he could not give way, nor compromise what he esteemed right, though others entitled to his regard differed with him. He once described himself as Don Quixote the Second, and the description was not altogether unfit. His chivalrous conduct in his duel with General Howe was worthy of that noble if erratic gentleman, and so was his conduct when he remained a year in the dungeon at St. Augustine rather than give a second parol to

[1] Josiah Quincy gives this description of Mr. Gadsden in a debate in the Commons' House, at which he was present, in March, 1773. "Mr. Gadsden was plain, blunt, hot, and incorrect, though very sensible. In the course of the debate he used these very singular expressions for a member of Parliament, 'And, Mr. Speaker, if the Governor and Council don't see fit to fall in with us, I say, let the general duty, law, and all go to the devil, sir, and we go about our business.'"

the British authorities, they having, he considered, violated the first. We have said that meekness was not one of his Christian virtues, but he abhorred vanity and ostentation, and when he died he was buried in St. Philip's churchyard, and by his directions his grave was levelled to the ground — left unmarked by even a mound of earth. Such was the man who led the Revolution in South Carolina, and whose memory, though no monument marks his resting-place, is still held in honor and reverence, not only in his own State, but wherever the story is told of the struggle for American independence and liberty.

CHAPTER XX

The province of South Carolina had now arrived at the highest tide of its prosperity; but already had the names of those who were to be conspicuous as leaders, soldiers, and statesmen in the great Revolution which was fast approaching, and which was to cost the people so dearly but to end in the independence of the thirteen British colonies, begun to appear. It may be well before we enter upon the narration of that struggle in South Carolina to devote a few chapters to the progress the province had made in material and social development, the better to understand the nature of the struggle and to appreciate the motives and influences which actuated the parties to it in this colony, on the one side and on the other.

From the settlement of the Royal government in 1729 to the outbreak of the Revolution no colony was in the main better governed than South Carolina. Governor Glen as we have seen was restive under the growing influence of the people, and the quiet but determined assertion of right against prerogative, which had found its way even into the Council, whose members were nominated by the King; but still he was active in advancing the interest of the colonists, and rejoiced at the wonderful increase in their prosperity. Lyttleton, too, however unwise in his Indian policy, and however much of suffering he caused upon the frontier, and of expense to the colony by his unsuccessful expedition, had nevertheless governed the settled portions of the province wisely and well. As Ramsay says, the First and Second Georges were nursing fathers to the

province, and their parental care was returned with the most ardent love and affection by their subjects. The advantages were reciprocal. The mother country received great benefits from the intercourse, and the colony under her protecting care became great and happy. In South Carolina an enemy to the Hanoverian succession was scarcely known.

Few countries have at any time exhibited so striking an instance of public and private prosperity as did South Carolina between the years 1725 and 1775. Despite continued calamities of war, pestilence, fire, and flood, the colony was increasing in numbers and growing rich. The white population had increased from 7333 in 1733 to 25,000 in 1748, and to 40,000 in 1765.[1] On the 30th of March, 1770, Lieutenant Governor Bull reports to the Board of Trade that the number of negroes returned in the last tax was 75,178, and that the militia had increased to 10,000 men, who were divided into ten regiments, which would indicate a population of 50,000 whites, and by 1773 it probably numbered 65,000.[2] But by far the greater part of this increase was caused by the immense immigration to the upper part of the province. Mr. Joseph Kershaw, from a committee of the Commons on the proposed establishment of new parishes for that region, reported that the parish of St. Mark's, that is practically the territory comprising the present counties of Kershaw, Sumter, Richland, Fairfield, Chester, and York, contained at least one-third of the white inhabitants of the province. In the lower part the increase of negroes, both natural and by importation, had been beyond all anticipation, and if at times it had been to some a cause of uneasiness, it was the chief

[1] Hewatt's *Hist. of So. Ca.*, vol. II, 292; *View of So. Ca.* (Drayton), 103.

[2] *Reports of the Historical Committee of the Charleston Library Soc.*, by Benjamin Elliott, 1835, p. 10.

source of the great increase in wealth. Governor Glen reported in 1749, that though the Duty act of 1740 had as intended acted as a prohibition on slave importation, that the increase in the number of negroes had not diminished during its continuance.[1] The merchants of London had, however, taken alarm at the action of South Carolina and similar enactments in Virginia, and had protested against this interference with their business. One signing himself "A British Merchant," in 1745 published a paper which he entitled *The African Slave Trade, the Great Pillar and Support of the British Plantations in America.* It is not to be supposed that the Lords of Trade and Plantations would be deaf to such remonstrances against the suppression of so valuable a trade, so when Governor Lyttleton came out in 1756 he brought with him instructions to put a stop to this colonial interference with the legitimate business of English merchants and shippers.[2] These instructions were repeated to Governor Boone when he was commissioned in 1761, and though the general Duty act of 1751, by which duties were laid on all imported negroes

[1] *Documents connected with So. Ca.* (Weston), 92.

[2] Their Lordships in the name of the King directed: "Whereas acts have been passed in some of our plantations of America for laying duties on the importation and exportation of negroes to the great discouragement of the merchants trading thither from the coast of Africa; and whereas acts have likewise been passed for laying duties on felons imported, in direct opposition to the act of Parliament passed in the tenth year of his late Majesty our Royal grandfather's reign for the further preventing robbery and burglary and other felonies, and the more effectual transportation of felons, etc.: It is our said pleasure that you do not give your assent to or pass any law imposing duties on negroes imported into our said province of South Carolina payable by the importers upon any slaves imported that have not been sold in our said province and continued there for the space of twelve months. It is our further wish that you do not give assent to or pass any act whatsoever for imposing duties on the importation of any felons from this Kingdom into South Carolina."

for ten years, expired just before Governor Boone's arrival, no attempt was made to renew it during his administration. Immediately upon his leaving the province in 1764 an act was passed reciting the dangerous consequences of such importations of negroes as had taken place since the removal of the duties, and praying his Majesty that the Assembly might be allowed to impose an additional duty of £100 current money on every person first purchasing any negro or other slave imported into the province, except those brought from any other colony in America by persons actually coming to reside in the province.[1] The act was not to go into force until the 1st of January, 1766, and then to continue for a term of three years. It was assented to by Lieutenant Governor Bull, as by its terms it was not to go in operation before the government in England could pass upon it. It was allowed by the Board of Trade and went into effect, but was not renewed. The result was that upon its expiration there was another influx of imported slaves.

During the discussion of the non-importation agreement the *Gazette* of July 6, 1769, stated that upon an examination of the imports from the year 1756 to 1766 it appeared that 23,743 negroes were brought into the province during that period, notwithstanding that during five of which years the general Duty act of 1751 had been of force, the medium of which was 2374 a year, — but if the last of these years was taken off — when 6701 were poured into the province in anticipation of the high duty which was to take place the year following, and which did then put an entire stop to the importation until 1769, the medium was 1894. "From the first of January last," continued the *Gazette*, "to the first of July no less than 4233 had been imported,

[1] *Statutes of So. Ca.*, vol. IV, 187, 188.

and many more were expected before the close of the year." The *Gazette* observes in italicized lines, "*This scarcely needs comment; every man's own mind must suggest the consequences of such enormous importation, especially at this time.*" This suggestion was acted upon, and the non-importation agreement then in force was, on the 22d of July, 1769, enlarged so as to provide that no negroes should be brought into the province from Africa after the 1st of January, 1770, nor from any other place after the 1st of October next, 1769.[1] There was a double motive doubtless in this resolve. The inhabitants were no doubt alarmed at the increasing number of negroes, and were ready to avail themselves of this opportunity of checking their importation, which had been prohibited by the government in England. But while this motive was most probably efficacious in the adoption of the resolution, the fact that this was a means of touching the pocket nerve of the British merchant in its most sensitive point was probably a still greater inducement to its passage. This the Board of Trade was likely to appreciate, for on the 6th of December, 1669, Lieutenant Governor Bull had written to the Earl of Hillsborough, his Majesty's principal Secretary of State for the colonies, that since the 1st of January, at which time the late prohibition had expired, 5438 negroes had been imported, who being mostly adults for immediate use sold upon an average of nearly £40 each. The *Gazette*, which carried on its war against the importation of negroes after the non-importation agreement had fallen through, on May 31, 1774, states that the greatest number imported before in one year was 7184 in 1765, which it says is 4457 less than have arrived the present year. In 1773, therefore, the importa-

[1] *So. Ca. Gazette* of July, 1769. Also *So. Ca. and Am. Gazette* of same date.

tion had reached the figures of 11,641. The next greatest numbers imported in a year, it says, were 4865 in 1772, 4612 in 1769, and 3740 in 1760. The whole number of slaves imported from the 1st of January, 1753, to the 1st of January, 1773, it states to have been 43,695.

It was because of the climatic differences between New York and South Carolina, observes Bancroft, that one ceased to be, while the other remained a slave State. It turned out ultimately to have been the misfortune of South Carolina not only that her climate suited the negro race, but that rice — an article for foreign commerce as well as of home consumption — was found capable of production by negro labor at great profit, and that too in portions of her territory in which the white man could not continuously live. This made Charlestown an emporium of the trade which the English merchants were so vigorously prosecuting under the protection of the British government.

The celebrated "Somerset" or "The Negro Case," as it was called, was decided by Lord Mansfield and the Court of King's Bench with great reluctance in 1771.[1] His Lordship sought to avoid a decision, holding the case over in the hope that some arrangement might be reached whereby he might be relieved of the responsibility. "If the parties will have judgment," said his Lordship at last, "*fiat justitia ruat cœlum*, let justice be done, whatever may be the consequences. £50 a head may not be a high price; then a loss follows of above £700,000," etc. This decision released Somerset technically; it did nothing more. The case was decided by the King's Bench alone. It was not heard before all the judges as was usual in *habeas corpus* cases, nor was it taken to the House of Lords, the supreme court of judicature of the

[1] "The Negro Case," *State Trials*, vol. XX, 1–82.

Kingdom. It was, however, acquiesced in by the nation, and has since been regarded as the law of the land. It was nevertheless a most extraordinary decision in view of the well-known historical facts and previous decisions of the courts of England, and the recent Royal instructions to the colonial Governors to prevent the provincial legislatures from interfering to suppress the trade in negro slaves. If the decision of Lord Mansfield put an end to the holding of slaves in bondage in England, it did nothing more. It did not in the least relieve the mother country of the responsibility for slavery in the colonies. It was admitted in that case that by the laws of the British-American colonies slavery existed, and was recognized by the laws of England as so existing. "The question before the court," said Lord Mansfield, "was whether any dominion, authority, or coercion can be exercised in this country (England) on a slave *according to the American laws*." The bald question was whether slavery could be recognized to exist under the same government in the colonies and not in England itself. It was, as we have seen, the fundamental law of all the colonies that these laws should not be repugnant nor contrary to the laws of England. This was expressly prescribed in all their charters. If, therefore, slavery was contrary and repugnant to the laws of England, it could not be legal in the colonies. So plain is this proposition that Hildreth, the historian, has adduced the result that slavery was never legal in the colonies themselves.[1] This is logical; but to such logical conclusions the courts of England refused to go. Lord Mansfield recognized this dilemma, and declared that the difficulty was extreme in adopting his course without adopting all of its consequences. But this his Lordship dared not do. There can be little

[1] Hildreth's *Hist. of the U. S.*, vol. II, 275.

doubt that had the alternative been pressed upon the Court of King's Bench that its decision would abolish slavery in the colonies as well as in England, Somerset would never have been declared free.

The merchants and manufacturers in England clamored for protection to the slave trade which opened to them the African market. Parliament, by repeated declarations and statutes, had declared the trade lawful, beneficial, and advantageous to the Kingdom and the colonies.[1] The entire number of slaves exported from Africa prior to 1776 is said to have been at the lowest estimate 3,250,000. More than one-half of these were carried in English ships, and the profits of the traffic to English merchants is reported to have been at least $400,000,000. In the year 1771, the very year in which the Somerset decision was made, there sailed from England alone 192 ships provided for the exportation of 47,146 slaves.[2] No government could have stood which declared against this trade.

We have seen that two of the greatest lawyers of England, Talbot and Yorke, both afterward Lord Chancellors, the latter celebrated as Lord Hardwicke, had given their opinions when Attorney and Solicitor General respectively, maintaining the legality of the institution of slavery and protecting it against the apprehended effect of Christian baptism. Chief Justice Holt, it is true, is reported to have held in 1702, "that as soon as a negro comes into England he becomes free."[3] But as Lord Chancellor Hardwicke pointed out in another case, *Pearne* v. *Lisle*, before cited,[4] that was a mere dictum — it was not the

[1] Bancroft (ed. 1883), vol. II, 278.

[2] Cobb on *Slavery*, cliv, citing 3 Bancroft, 411, 412; Edwards's *West Indies*, vol. II, 868; Copley's *Hist. of Slavery*, 114.

[3] *Smith* v. *Brown and Cooper*, 2 Lord Raymond's Reports, 1274; 2 Salkeld, 666.

[4] *Ante*, 49.

point before the court — if the report of the case was correct, for the question before it was one merely of the form of pleading. The assertion, if made by Holt, was against the fact, if not against the law, for at that time large numbers of negro slaves were held in subjection in the British Isles without question as to the master's title. At one time the negro page was indispensable to the English lady in her daily walks through the city thoroughfares; and for fear perhaps "the pure air of Britain" might engender some ideas of liberty, the collar known to the Roman slave was fastened around his neck, with the name and residence of his mistress neatly engraved thereon. At the time of the decision of the "Somerset case," 1771, it was estimated that there were from 14,000 to 15,000 negro slaves held in England, and it was probably to allow their masters an opportunity of getting some of them out of his jurisdiction that Lord Mansfield withheld his decision.[1]

The case of *Smith* v. *Brown and Cooper*, in which Holt is reported to have made the famous declaration that the air of England was too pure for a slave to breathe, is reported in the law books, upon reference to which it appears that the question argued before the court was one merely of special pleading, namely, whether a declaration in *indebitatus assumpsit* would lie — that is, be held good pleading — for a negro sold. And this is the report of the case and of what *was* actually decided.[2]

"Holt, C. J. — You should have averred in the declaration that the sale was in Virginia, and by the laws of that country negroes are salable, for the laws of England do not extend to Virginia. Being a conquered country, their law is what the King pleases, and we

[1] Cobb on *Slavery*, cxlvi. citing *London Quarterly Review*, 1855, article "Advertising," also Granville Sharp's *Just Limitation of Slavery*, 34.

[2] 2 Lord Raymond's Reports, 1274; 2 Salkeld, 666.

can take no notice of it but as set forth; therefore he directed that plaintiff should amend and the declaration should be made that the defendant was indebted to the plaintiff for a negro sold here at London; but that the said negro at the time of sale was in Virginia, and that negroes, by the laws and statutes of Virginia, are salable as chattels. Then the Attorney General, coming in, said they were inheritances and transferable by deed, and not without; and" — the Report adds — "nothing was done."

In 1704 there was another case in the same books (*Smith* v. *Gould*) in which Chief Justice Holt is again reported to have said that there was no such thing as a slave by the law of England, that men may be owners, and cannot, therefore, be the subject of property. But the only point decided, as appears by the report of the case, was a direct contradiction of that dictum; for he held that while the action of "trover lies not for a negro in trespass, *quare captivum suum cepit*, plaintiffs may give in evidence that the party was his negro and he bought him."

Out of these decisions upon these subtle distinctions in the old metaphysical technical pleading of the common law has been evolved the celebrated saying that the air of England was too pure to be breathed by a slave. This is all the more curious too, when it is recalled that Chief Justice Holt was one of the ten judges who declared that "negroes are merchandise and within the Navigation acts."[1] But Lord Chancellor Hardwicke who, as Attorney General Yorke, had given the opinion in 1727 that Christian baptism did not release a negro from bondage, in 1749 repudiated not only Chief Justice Holt's *obiter dictum*, but his actual decision as well. In the case of *Pearne* v. *Lisle* before quoted, he is reported as saying:

"I have no doubt but trover will lie, for a negro slave is as much property as any other thing. The case in Salk, p. 666, was determined

[1] Bancroft, vol. III, 414; Cobb on *Slavery*, cxliv.

on the want of a proper description. It was trover *pro uno Æthiope vocat negro* without saying slave, and the being negro did not necessarily imply slave. *The reason said at the bar to have been given by Lord Chief Justice Holt in that case as the cause of his doubt, viz. that the moment a slave sets foot in England he becomes free has no weight with it, nor can any reason be found why they should not be equally so when they set foot in Jamaica or any other English plantation. All our colonies are subject to the laws of England, although as to some purposes they have laws of their own.*"

Until the decision in the "Somerset case" slavery was thus recognized as legally existing by every branch of the government of England, as well in England itself as in the colonies. It was so recognized by the King and his ministers by Parliament and by the courts. In that decision Lord Mansfield and his Court of King's Bench undertook to do what Lord Hardwicke had declared could not be done — to declare one law for England and another for the colonies.

The government of England, with the sanction of the Church, was thus forcing upon Carolina and the other colonies an institution which with pharisaic zeal it was declaring itself too righteous to tolerate at home — an institution which from its very nature must incorporate itself with the political and social system of the country, and become so interwoven with its structure as to be eradicated only when in fulness of time its continuance must end by revolution, war, and desolation.[1]

The great demand for negro labor was due to the enormous returns obtained in the cultivation of rice and indigo. Rice was then still grown in inland swamps. The modern tide-swamp rice plantation, with its fully developed system of irrigation, thrashing implements, and

[1] *Slavery in the Province of So. Ca. 1670-1770*, by Edward McCrady, *Am. Hist. Association*, 1896.

labor-saving contrivances, was not a colonial institution. The colonial rice culture was in inland swamps — sometimes on high lands. This culture required not only an immense force, but one of men who could stand the malaria of the swamps. This the negro could endure with much greater safety than the white man. A vast system of drainage was necessary, and the statutes of the time are filled with "Acts relating to Rivers," providing commissioners for opening and clearing creeks, and cutting drains and canals. The remains of these works are to be found all over the lower country, now overgrown with brushes and trees, but still attesting the great labor bestowed in their construction. The abandonment of these works was caused by the introduction of the tide-water system of planting. As has been well said, one visiting a modern rice plantation can scarcely realize the magnitude of the work done in the provincial and colonial period; the flail in the hands of the laborer was the only means of separating the grain from the sheaf, and the chaff was taken off by grinding in a crude wooden mill. A rude mortar made of a pine stump to contain a bushel or less of grain, with a pestle of seasoned lightwood in the hands of a laborer, was the only contrivance in use through long years to clean the grain for market. So slow was this process that the task for a male laborer was six pecks a day, and for a female laborer four pecks a day, with their half-acre field task. In every rice neighborhood or large plantation there was a cooper shop. The pine staves and oak hoops were cut and split near by, made into barrels, the rice packed in them, and hauled on wooden sleds by oxen to the nearest watercourse, then loaded on sloops and sent to Charlestown. The culture of the river swamp land was begun as early as 1758 on Winyah Bay, but at the period of which we now write it had not made

any great progress. It was not until after the Revolution that the complete change was effected.[1]

We have seen that as early as 1691 an act of Assembly conferred a reward upon Peter Jacob Guerard, inventor of a pendulum machine for "husking rice."[2] The legislature continued to offer rewards for the invention of rice mills, but without obtaining adequate results. In 1712 a reward of £100 was offered to any one who would "make it appear by a mathematical demonstration that the mills now used for beating rice are improvable, and not only make the mathematical demonstration, but build a mill or mills so improved for himself or some other."[3] In 1729 John Cuthbert petitioned the General Assembly, stating that he had invented and discovered certain implements for the better preparing and cultivating rice, indigo, and grain planted in rows, that is to say, ploughs or horse hoes, hand hoes, and pickers which would probably prove advantageous and beneficial to the province, whereupon the General Assembly granted him an exclusive right or patent to make them for the term of fourteen years.[4] Governor Glen, it will be recollected, reported in 1749 that rice was then threshed with ease by a very simple machine — a wind fan, then lately invented and found to be a great improvement. We have been able to find nothing further in regard to this machine. It does not appear, however, to have proved as efficient as Governor Glen supposed, for as late as 1768 the Assembly appropriated £3500 currency, *i.e.* about £500 sterling for a machine for pounding rice invented by George Veitch.[5] The improved rice mills run by water; the invention of Mr. Jonathan Lucas was

[1] Hon. W. A. Courtenay, Centennial Address, *Year Book City of Charleston*, 1883, 397–399.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 349.

[3] *Statutes of So. Ca.*, vol. II, 388. [4] *Ibid.*, vol. IV, 229.

[5] *So. Ca. Gazette and Country Journal*, July 26, 1768.

nearly contemporaneous with the change in the cultivation of rice from the inland to the river swamp.[1]

But notwithstanding the crude methods of culture and preparation, with cheap negro labor and the virgin soil of the inland swamps, the culture had abundantly prospered; and, with indigo and the continuing exports of skins, the products of South Carolina were of immense value. The upper country was beginning to contribute its wealth to the province. On the 7th of June, 1770, Lieutenant Governor Bull reports to the Board of Trade that about 3000 wagons came to Charlestown in one year from the *back* country loaded with its produce. This estimate, he says, is not far from the truth as the account is taken at the ferries.

These commodities were employing a large number of vessels in the commerce with England. On the 15th of March, 1765, the Lieutenant Governor reported that there were cleared during the last twelve months from Charlestown 360 vessels; from Beaufort 40; and from Georgetown 24, — in all 424 sail carrying 111,310 barrels of rice and 545,620 weight of indigo. The *Gazettes* of the 6th and 13th of June contain lists of shipments of rice exported from Charlestown from the 31st of October, 1767, to the 6th of June, 1768, which are very interesting as indicating the ports to which it was carried, and the countries with which South Carolina principally traded. Governor Glen, it will be recollected, had reported in 1749 that the exception of rice from the enumerated articles, so as to allow it to be shipped to all ports south of Cape Finisterre, had not proved as beneficial as had been anticipated; that for ten years the Spaniards had taken but 357 barrels annually. This trade had now improved so as to com-

[1] Hon. W. A. Courtenay, Centennial Address, *Year Book City of Charleston*, 1883, 435.

prise more than a fifth of all the rice exported. An analysis of the shipping list, published by the *Gazette*, shows that this season there was shipped to England 64,340½ barrels; to the ports south of Cape Finisterre 24,909 barrels; to the West Indies 17,385 barrels; and to the other American colonies, including Quebec, 3437½ barrels.[1] The barrel was worth from fifty-five to sixty shillings per hundred. It contained something over six hundred pounds; so the rice shipped at Charlestown that year was worth £1,799,655 currency or £257,093 sterling. A calculation made in June, 1768, of the value of the whole produce of the colony during the same time was supposed would exceed £500,000 sterling, probably $2,500,000 of our present money. The *Gazette* which publishes this statement observes, "There needs no other proof of the flourishing condition of the province nor of its importance to Great Britain than the number of shipping and seamen

[1] *So. Ca. Gazette*, June 6, 1768.

Rice exported from Charlestown from the 31st of October, 1767, to the 6th of June, 1768, both days inclusive, to the following ports: —

Antigua,	3549	St. Eustatius,	2236	New York,	367
Augustine,	165	Figuera,	1400	Nevis,	226½
Bristol,	4390	Gosport,	5698½	Oporto,	6220
Barcelona,	1666	Guadeloupe,	24½	Poole,	1653½
Barbadoes,	1435	Grenada,	228	Providence,	63
Boston,	743	Greenock,	28	Pensacola,	121
Bermudas,	37	Haverford-West,	494½	Philadelphia,	1005
Cowes,	34410½	Honduras,	30	Quebec,	606½
Cadiz,	668½	Jamaica,	3381	Rhode Island,	263
St. Christopher,	2339	London,	13710	Salem,	4
St. Croix,	282	Lisbon,	14745	Topsham,	307
Dominica,	1187½	Liverpool,	1829	Veana,	448½
Dunbar,	606	Leith,	1107½	Vigo,	1161
Georgia,	123	Monserrat,	258½	Whitby,	106
East Florida,	40	Monte Christo,	57½	Total,	109,070½

The total is here given as 109,070½, but there appears to be a mistake in the addition. It should be 110,072½.

constantly employed in transporting its bulky commodities." A London paper, quoted by the *Gazette* of the 11th of April, 1768, states that the trade of the American colonies during this year was estimated at £3,000,000 sterling, including the freight on the ships, commission to the merchants, and all other charges paid by the planters. South Carolina alone contributed, probably, one-sixth of this amount.

The value of this trade to England was enormous. Indeed, it was estimated that of the net proceeds the planters and producers themselves did not realize more than £1,500,000, so the English merchants for the transportation and vending of the products of the colonies got at least half of all the planters and producers made. More than this, the commodities imported into England under the navigation laws, which compelled the products of the colonies to be shipped into England, wheresoever ultimately destined, to be again exported, added immensely to the trade.[1] The exports of rice continued to increase. From the 10th of October, 1768, to the 24th of August, 1769, there were shipped 116,715 barrels, and from the 1st of November, 1770, to the 10th of October, 1771, 130,500 barrels.[2]

We have been able to find no estimate of the value of the imports into Carolina; but this was very great. Governor Glen in 1749 was unable to answer definitely the inquiries of the Lords of Trade upon this point. In general it may be said, he reported, that the quantity of British manufactures annually consumed by the inhabitants of the province seemed to be too great, and the sort of goods brought from thence too fine, and ill calculated

[1] *So. Ca. Gazette*, June 6, 1768.

[2] See Table of Exports of Rice from 1730 to 1770 in *Year Book City of Charleston* (Mayor Courtenay), 1880, 245–247.

for the circumstances of an infant colony, by which means we seldom follow that golden rule of commerce, — Let your exports exceed or at least balance your imports. "Plenty," he writes, "is often the parent of luxury, and it will perhaps surprize your Lordships to be informed there is annually imported considerable quantity of fine laces of Flanders, the finest Dutch linnens, and French cambricks, chintz, Hyson Tea, and other East India goods, silks, gold and silver laces, etc. This keeps us long low, and tho it may have the appearance of being for the present benefit to the British merchants, yet as it retards our encrease both in people and wealth it consequently renders us less profitable to Britain, for the riches of all the colonies must at length center in the Mother Country, more especially when they are not encouraged to go upon manufactures, and when they do not rival her in produce. For these reasons I have always endeavourd to correct and restrain the vices of extravagance and luxury by my example, and by my advice to inculcate the necessity of dilligence, industry, and frugality, telling them that by pursuing these maxims the Dutch from low beginnings climbed up to be high and mighty States, and by following the contrary methods the Common Wealth of Rome fell from being the mistress of the world."[1]

Whether the Carolinians had taken the advice of Governor Glen or not, certain it is that since his time they had greatly increased in wealth. In a report to his Majesty by William Gerard de Brahm, Surveyor for the Southern District of North America, made in 1773, for the years from 1764 to 1772, we have much valuable and interesting statistical information in regard to the province at that time.[2] Lieutenant Governor Bull had reported the

[1] *Documents connected with So. Ca.* (Weston), 84, 85.
[2] *Ibid.*, 155, 227.

number of houses in Charlestown on the 30th of November, 1770, as 1292, its population 5030 whites and 5833 blacks, — domestic servants and mechanics, — in all 10,863. De Brahm reports three years after that "the city of Charlestown is in every respect the most eminent and by far the richest city in the Southern District of North America; it contains about 1500, and most of them big houses, arrayed by straight, broad, and regular streets; the principal of them is seventy-two foot wide, call'd Broad Street, is decorated, besides many fine houses, with a State house near in the centre of said street, constructed to contain two rooms, one for the Governor and Council, th' other for the Representatives of the people, the Secretary's office, and a Court room; opposite the state House is the Armory-house, item St. Michael's Church, whose steeple is 192 foot high, and seen by vessels at sea before they make any land; also with a new Exchange on the east end of said street upon the bay; all four buildings have been rais'd since the year 1752, and no expence spared to make them solide, convenient, and elegant.

"The city is inhabitated by above 12,000 souls, more than half are Negroes and Mulattoes; the city is divided in two parishes, has two churches, St. Michaels and St. Philips, and six meeting-houses, vid, an Independent, a Presbyterian, a French, a German, and two Baptists. There is also an assembly for Quakers, and another for Jews, all which are composed of several nations, altho' differing in religious principles and even in the knowledge of salvation yet are far from being incouraged or even inclining to that disorder which is so common among men of contrary religious sentiments in many other parts of the world where that pernicious spirit of controversy has laid foundation to hatred, persecution, and cruel inquisition in lieu of ascertaining

thereby how to live a godly life. A society of men (which in religion, government, and negotiation avoids whatever can disturb peace and quietness) will always grow and prosper; so will this City and Province whose inhabitants was from its beginning renound for concord, compleasance, courteousness, and tenderness toward each other, and more so toward foreigners, without regard or respect for nation or religion."

Of the Carolina stable commodities he says rice is the principal, which is brought there to the highest perfection, and as such is known in all the European and American markets. The annual export "amounts to above 100,000 barrils, of which two contains 1100 wight, so that the whole makes out above 55 million wight of neat rice, worth in Carolina £275,000 sterling, next to which is indigo, whose exportation comprehends no less than 600,000 wight, worth in Carolina £150,000 sterling, and the whole annual exportation may be valuated £637,000 sterling. Above 300 topsail, besides small vessels, do yearly enter and clear out of this port, charged with the products and manufacturys of the province, for the North American and West Indian markets, but chiefly for Holland, the Mediterranean, and Portugal."[1]

Josiah Quincy, who visited in Charlestown about the same time as this report, *i.e.* in March, 1773, corroborates De Brahm's estimate of its elegance and commerce.

[1] *Documents connected with So. Ca.*, 199, 200. See also *Short Description of the Province of So. Ca.*, etc., 1763; Carroll's *Coll.*, vol. II, 487. Hildreth gives the trade between Great Britain and all the colonies for the year 1770, which he says was the average for the last ten years, at but £1,014,725 exports and £1,925,570 imports; that of the Carolinas — without distinction between the two — at £278,097 exports and £146,272 imports. There are great discrepancies between his figures and those in the text; but those in the text are contemporaneous, and must be accepted as true. Hildreth's *Hist. of the U. S.*, vol. II, 559.

He writes: "This town makes a most beautiful appearance as you come up to it, and in many respects a magnificent one. Although I have not been here twenty hours, I have traversed the most populous parts of it. I can only say in general that in grandeur, splendour of buildings, decorations, equipages, numbers of commerce, shipping, and indeed in almost everything it far surpasses all I ever saw or ever expected to see in America. . . . The number of shipping far surpasses all I have seen in Boston. I was told that there were not so many as common at this season, though about three hundred and fifty sail off the town, which struck me very greatly; and the new exchange, which fronted the place of my landing, made a very handsome appearance."[1] We must remember, however, that the vessels were very small in tonnage as compared with the ships of the present day. They did not probably average 500 tons burden. Yet they could carry very valuable cargoes. The *Gazette* of the 20th of January, 1772, mentions that the ship *Beaufain*, Daniel Curling master, which sailed the day before for the port of London, carried a cargo estimated to be worth £70,000 sterling, all the produce of this province except about 15,000 pounds of indigo from East Florida. This great trade was carried on entirely in English bottoms. Sir Nathaniel Johnson, it may be remembered, had reported as far back as 1708, that there were not above ten or twelve sail of ships belonging to the province.[2] In the sixty odd years since the number had not been increased. The *Gazette* of October 25, 1773, noticing the launching of a new ship at Hobcaw, a shipyard on the Cooper River nearly opposite Charlestown, designed for the London trade, mentions boastingly

[1] *Memoir of J. Quincy, Jr.*, 95.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 479.

that there were then no less than twelve Carolina built ships constantly employed in the trade between the port of Charlestown and Europe.

De Brahm says that the cattle had so increased in the province that all pains would prove in vain to number them. The province was rather overstocked, and, in order to make room for the immense increase, great herds had been driven into the neighboring province of Georgia, there spread between the Savannah and Ogeechee streams since 1757, and there kept in gangs under the auspices of cow-pen keepers who move (like unto the ancient patriarchs or the modern Bedouins in Arabia) from forest to forest as the grass wears out or the planters approach them. The cow-pen keepers determined the number of their stocks by the number of their calves which they marked every spring and fall: if one marked 300 calves per annum, he reckoned his stock to consist of 400 heifers, 500 cows, and 300 steers, in all 1500 heads besides horses; this proves, he observes, that not even a cow keeper knows the true number of his own cattle. If they sell a stock of 300 heads, they allow 124 cows, 80 steers, including the bulls, 90 heifers, and 6 horses, which they sell for £300 sterling, and deliver them gratis on the other side of one, two, or three navigable rivers, according as the cow keeper is in want of selling.

The production of both rice and indigo had increased from the time De Brahm wrote to the breaking out of the Revolution. For the year 1770–73 the rice crop had averaged 127,476 barrels, some of which had sold as high as 80 shillings currency, or 10*s.* 6*d.* sterling the hundredweight. Dr. Ramsay states that at the beginning of the Revolution the average quantity annually exported was about 142,000 barrels.[1] The indigo crop had increased

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 205.

in 1773 to 798,150 pounds, and in 1775 to 1,150,662 pounds,[1] which was selling at from 32*s*. 6*d*. to 35*s*. currency per pound. The exportation of these two commodities alone was probably at this time worth near £1,000,000 sterling. With such commodities for sale the harbor of Charlestown was crowded with vessels, and long was the *Gazette's* weekly shipping list; 150 vessels being reported arriving and sailing during a week.

This growing trade demanded increased dock facilities, and the same paper of March, 1773, says that besides the stupendous work then nearly completed by Christopher Gadsden at the north end of the town upon Cooper River (now Gadsden wharf, at the foot of Calhoun Street) and which was reckoned, it said, one of the most extensive of the kind ever undertaken in America, it was amazing to observe the other improvements that have within a year past been made and which were still going on. For instance, in less than three years another wharf equal to the best on East Bay, upon the same river, with a dock and other buildings, was nearly completed by Mr. Samuel Prioleau, Jr., and still another by Mr. John Gaillard. In the same period, it continues, a grand assembly room had been built, and within six months past an elegant theatre established, which had handsomely supported a company of comedians. All that point, — White Point, — which for many years was almost a desolate spot, was nearly covered with houses, many of them elegant. In other parts of the town it was computed, said the *Gazette*, that within five years three hundred houses had been built, and upon Ashley River and South Bay, where there never was a wharf before, vessels of very considerable burthen could lie and load. In the same short period the *Gazette* had the pleasure to observe that several academies had been established

[1] *So. Ca. and Am. Gen. Gazette*, April 7, 1775.

for the education of the youth of the province who were very numerous, and that great attention was also paid to the fine arts. But we must reserve these matters for separate chapters.

The town was growing and stretching out in all directions. The finest residences were in Ansonborough, a suburb on Cooper River, the way to which was by a "path" from Governor's Bridge which crossed a creek running up what is now Market Street, at the intersection of Church Street. There Chief Justice Pinckney had built himself a mansion, which during his absence in England had been occupied by Governor Glen during his administration. There lived Henry Laurens in a beautiful cottage in the centre of what is now the square bounded by East Bay, Society, Anson, and Wentworth streets, the whole comprising a well-kept garden abounding in rare exotics and choice shrubbery, in which we are soon to see the mob rioting in search of stamps. Near him Thomas Lynch had built an elegant house of cypress from his plantation on the Santee. The General Assembly, which still attended to the municipal affairs of the town, had just directed the laying out of the tract of land west of the Glebe lands, that is, north of Beaufain and west of Coming streets, to which streets they gave the names of the chief actors in the great struggle which had then begun. Those running north and south were called in honor of Pitt, and Benjamin Smith the Speaker, John Rutledge, Thomas Lynch, and Christopher Gadsden; those east and west were named Montague and Bull, in honor of the Governor and Lieutenant Governor.

CHAPTER XXI

Merchandise and trade were the foundation stones of most, if not all, the great fortunes in South Carolina. Beginning with the barter of hatchets, beads, and brightly colored cloths for Indian peltry, the earliest settlers soon took to selling Indian captives from Carolina to the West Indies, and buying thence in return negro slaves better adapted to labor and agriculture. From the exchange of Indian captives for negro slaves, they went on to exchange lumber and staves, pitch and tar, for sugar and rum. To England they sent the skins of wild animals, and in exchange received clothing and domestic utensils. Then rice and indigo were grown and exchanged for all the manufactures of England. The proceeds of this trade all went into lands and negroes.

Very few of the Landgraves and Caciques retained their baronies. During the administration of Lieutenant Governor Broughton many of the leading men acquired large possessions, without many scruples, it was said, as to the manner in which they were obtained; but the bulk of the property, in the lower part of the province at least, had changed hands, and was held by those who had purchased with money earned in trade. So in the newspaper controversy in 1769 over the non-importation agreement, in which a writer taunts the merchants with acting entirely with regard to their own selfish interest, another writer, a merchant, retorts that many gentlemen of the first consequence and character in the province began to make their

estates in a mercantile way, and by degrees became great planters.[1] The great trade which had now grown up with the exportation of rice and indigo, and the importation from England of manufactures of all kinds, not only for the growing colony, with its large slave population to be clothed, but for the Indians, the trade with whom was now opened to the Mississippi, and who took a vast amount of blankets and cloths, guns and ammunition,— and alas, of rum,— acquired for its conduct a large mercantile class. The merchants of Charlestown were mostly Scotchmen, and many of these returned to Scotland or held aloof when the Revolution began. The most prominent of the merchants during the period immediately preceding the Revolution appear to have been Isaac Mazyck, Gabriel Manigault, Henry Laurens, Benjamin Smith, Miles Brewton, and Andrew Rutledge. The first three, it will be observed, were Huguenots. Short sketches of them will not be without interest in view of the prominent part they took in the affairs of the province at this time.

Isaac Mazyck was descended from an ancient and respectable family, originally of Liège, Belgium, but which upon the revocation of the Edict of Nantes, was settled on the Isle de Ré, near Rochelle, in France. His father, Isaac Mazyck, whose mercantile operations were probably the first to entitle one to the name of merchant in Charlestown, had left his native country, his relatives, friends, estates, and all that was dear to him, and had fled from persecution to a strange land; and upon his arrival in Carolina had thus recorded his devout thankfulness in his family Bible: "God gave me the blessing of coming out of France and escaping the cruel persecutions carried on against the Protestants; and to express my thankfulness

[1] *So. Ca. Gazette*, July 13, 1769.

for so great a blessing I promise, please God, to observe the anniversary of that by a fast." Arriving in Carolina with a cargo of about £1000 sterling worth of goods and merchandise, he had settled in Charlestown, and, selling his goods to great advantage, he embarked in trade with the West Indies, making several voyages to Barbadoes in 1688–89. He then extended his ventures to England, Portugal, Madeira, and to the other parts of America. The proceeds of these he invested in lands immediately adjoining Charlestown, and became possessed of a large part of what is now the city of Charleston, besides a plantation on Goose Creek and a large number of negroes. This emigrant was in his day the most eminent merchant in Carolina; but it is of his eldest son we must now more especially speak.

Isaac Mazyck, the son of the emigrant, and the man of the times immediately preceding the Revolution, was sent to England for his education, and entered the British army as a Cornet of Horse, but soon left the army for travel, after which he returned to Carolina and entered into business with his father in 1723, and was about the same time elected to the Commons' House. Again visiting Europe, he returned to Carolina in 1726 with a cargo of goods for his father and himself. Setting up in business by himself in 1728, he carried on a large trade, and with great ease accumulated a handsome fortune of his own. In 1730 he was again in the Commons' House, and continued there in every Assembly until his death in 1770, sometimes sitting for one parish and sometimes for another, as he chose to serve, being often returned from several at the same election. He was thus a constant member for over forty years, and was distinguished by his great abilities, loyalty to his sovereign, and zeal for the liberty of his people. In 1740 he was appointed an

Assistant Judge and sat as such for many years, and was also one of the church commissioners under the act of 1706.

Gabriel Manigault, another Huguenot, was the richest merchant during the colonial period of Carolina. Indeed, it is believed he was the richest man in all the colonies. He was the son of Judith Manigault, whose letter telling of the hardships of the Huguenot emigrants upon their arrival in the province we have quoted in our former work.[1] This letter breathes the same religious joy for deliverance from the Old World and hope in the New as that recorded by Isaac Mazyck in his Bible. "Let it suffice," she concludes, "that God has had compassion on me and changed my fate to a more happy one, for which glory be unto him." God had indeed blessed her pilgrimage, for now her son was perhaps the wealthiest man in all America. In the time of his prosperity he had remembered those of adversity through which his parents had gone on their arrival in this country, and was liberal in his assistance to the newly arrived Huguenots. We find him in 1753 advancing £3500 to the use of poor French Protestants coming from Europe to settle in the province.[2] He had been quite an earnest mover in the early stages of the Revolution; and when no man was certain how it would end, he was able to aid the asylum of his persecuted parents with a loan of $220,000. His investments of surplus income were in rice and slaves, and for many years preceding his death, although carrying on his business house, he spent much of his time on his plantation. He was a planter as well as a merchant, and owned negroes; but though he had many solicitations to engage in the slave trade, which was preëminently lucrative, he declined

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 320.

[2] *Statutes of So. Ca.*, vol. IV, 5.

all agency in transferring the subjects of that trade from the land of their nativity to a foreign country. He was nevertheless no advocate for emancipating those which were already in Carolina. His own slaves were treated with the greatest humanity, as their wonderful increase fully attested. In an examination in the year 1790 before a committee of the House of Commons in England, appointed to inquire into the treatment of slaves in the British colonies, it was given in evidence that in thirty-eight years a part of the slaves of Gabriel Manigault had increased in the low country of Carolina from 86 to 270 without any aid from purchases other than replacing 12 or 14 old slaves with the same number of young ones.

Mr. Manigault was Treasurer of the province and for some time a Representative of Charlestown in the Commons' House. Though he never courted popularity, he was so much a favorite that in a contested election the mechanics walked in procession to the place of voting and by their unanimous ballot turned the election in his favor. He was active in all public enterprises, especially in the attempts to introduce the making of silk and wine in Carolina. He was for several years the Vice President of the Library Society, the Governor for the time being the President. In this society he was so much interested that he leased to them, free of expense for twenty-one years, the upper rooms of two adjoining tenements belonging to him, which were thrown into one, and formed a spacious apartment for their books and for the Librarian.

At the commencement of the Revolution he was beyond the age of military service; but, as we have said, his pecuniary aid was not wanting, and he contributed liberally out of his great fortune. Nor only so. When General Provost made his incursion into South Carolina and appeared before the lines of Charlestown, in May, 1779,

though Mr. Manigault was past seventy-five years of age, he determined that the place of his nativity should not fall without some exertion, however feeble, on his part. His distinguished son, Peter Manigault, of whom we shall see much in the controversy over the Stamp act, and who had had no little part in bringing on the Revolution, had died in its incipiency six years before; so equipping himself and his grandson, Joseph Manigault, then only fifteen years of age, as soldiers, he took the boy by the hand to the lines in the face of the enemy, from whom an attack was every moment expected, and offered their services in defence of the city.[1] It is not certain, however, that Mr. Manigault had ever committed himself to the independency of the colonies from England. Mr. Henry Laurens, when a prisoner in the Tower in London, was urged to return to his allegiance to the King, as his friends, Gabriel Manigault and Henry Middleton, had done;[2] and it is probable that Mr. Manigault, like most Carolinians, as we shall see, was for a revolution within the Kingdom of England, but not for a separation from it. Mr. Manigault died in 1781, and left an estate which in its division was estimated at $845,000. His landed estate consisted of 43,532 acres, and his slaves numbered 490. He left a legacy to the South Carolina Society of £5000 sterling, from the interest of which the society educated a number of children. His loan to the State was returned in depreciated currency, which realized only $44,000.

The Mazycks were the first and Gabriel Manigault was the richest, but Henry Laurens was the colonial merchant who rose to the highest distinction. Mr. Laurens was educated with Peter Manigault, and was regularly bred to

[1] Ramsay's *Hist. of So. Ca.*, vol. II. 501.

[2] Mr. Laurens's *Narrative* in *Coll. Hist. Soc. of So. Ca.*, vol. I. 49.

merchandise. He also amassed a fortune far exceeding what was common in America. In the controversies between the colonists and the Crown he sympathized with the people in opposition to the acts of the ministry, but was opposed to all violent measures. In 1765 he was suspected of having the obnoxious stamps in his possession, and was most roughly treated by a mob on account of it; and though called to preside at times at the non-importation meetings in 1769–70, he was for peace and reconciliation with the government. Having lost his wife, he gave up his business in 1771 and went to Europe to superintend the education of his sons. But however desirous of peace, he had no doubt as to the side he was to take in the open rupture between his people at home and the British government. He was one of the thirty-nine native Americans in London to petition the British government not to pass the Boston Port bill in 1774. His utmost exertions were made to prevent the war; but finding that nothing short of the most degrading submission on the part of the colonies would prevent it, as he conceived, he returned to Carolina and took part with his countrymen. He did not, however, approve of the Declaration of Independence when it was promulgated. Indeed, he has left on record that he wept when he heard it read. He was nevertheless President of the Council of Safety of South Carolina from the time of the abandonment of the government by Lord William Campbell in 1775 until the establishment of the government under the temporary constitution of 1776, and was then sent to the Continental Congress, and soon after became the President of that body, and thus the official head of the united colonies. As such, to him was addressed the communication of the British commissioners sent to America in 1778 to submit the conciliatory measures of the government. One of these,

Governor Johnstone, brought with him private letters of introduction to Mr. Laurens, and this led to a correspondence between them, which was highly honorable to him and indicative of his great influence in that most critical time. Mr. Laurens was sent as Minister to Holland, and in his voyage out was captured and taken to England, where he was committed to the Tower of London and held there as a State prisoner. His confinement there, and the attempts of the British government to induce him to abandon the cause of the colonies, and his suffering in the Tower rather than be recreant to his people, and his finally signing, with Dr. Franklin, John Adams, and John Jay, the preliminaries of peace by which the Independence of the United States was acknowledged, are parts of the general history of the Revolution. Without his knowledge he was chosen as one of the delegates to the Convention which framed the present Constitution of the United States, but he had retired from public life and declined the appointment. He died in December, 1792, near the close of his sixty-ninth year.

Josiah Quincy, on his visit to Charlestown in 1773, mentions Miles Brewton as a gentleman of large fortune living in a fine house, and on whose sideboard, he says, was very magnificent plate. Mr. Brewton was a merchant who had accumulated a large fortune. He at first took an active part in the movements which ended in the Revolution, and was chosen one of the Council of Safety in 1775; but becoming alarmed at the state of public affairs, he sailed for England in 1776 with all his family and most of his movable property. No tidings of the ship upon which he sailed were ever received, and his large estate fell to his sisters, Mrs. Motte and Mrs. Pinckney, whose husbands took an active part in the Revolution.

Benjamin Smith besides being a successful merchant

was Speaker of the House during the struggle with Governor Boone about the election law. He belonged to the same family as Abigail Smith, the wife of John Adams, either he or his father having removed to South Carolina from Providence, Rhode Island. He was the ancestor of the present Rhett family, they having changed their name to that of their maternal ancestor, Colonel William Rhett, the hero of the Proprietary government.

Andrew Rutledge, a brother of John, Hugh, and Edward, was probably the largest retail merchant of the times. The *Gazettes* of the day are filled with his advertisements of a miscellaneous line of goods, and scarcely a vessel arrived without an assignment to him. But though a brother of the Rutledges who so distinguished themselves in the Revolution, and brother-in-law of Christopher Gadsden, he does not appear to have taken any part in the commotions of the time. He died, however, in 1772, before the question had assumed a form requiring a definite answer.

Mr. Robert Pringle, who was one of the Assistant Judges from 1760 to 1770, — one of those who joined in the order to carry on the business without stamps in 1765, — was an eminent merchant; and Joseph Wragg, the father of William Wragg, also an Assistant Judge and a member of the King's Council, was likewise a merchant. He dealt largely in the slave trade, as the *Gazette* mentions in announcing his death.

John Edwards, a native of Bristol, England, was also a very rich merchant of Charlestown just before the Revolution, and with Gabriel Manigault was one of the first of the wealthy men to advance money to the new government. He took an active part in the non-importation agreements, and was a member of the Council at the time of Provost's invasion in 1779, and strongly opposed the surrender of the

town; indeed, Moultrie tells in his Memoirs that Mr. Edwards was so much affected at the proposition as to shed tears.

When the British took the city in 1780 Admiral Arbuthnot occupied a part of Mr. Edwards's mansion, and one day offered him any reward he wished if he would join the British; but this offer was indignantly refused; and Mr. Edwards was soon after sent among the exiles to St. Augustine. He never returned home, but died at Philadelphia, to which city the exiles had been removed from St. Augustine.

The merchants of Charlestown had established a chamber of commerce as early as 1774, for in that year we shall see the body appealed to by the Commons' House of Assembly to sustain the credit of certificates of indebtedness issued by that body, thus to furnish a currency in the province, — a measure which the chamber approved, and which with its assistance was carried out. The next year, *i.e.* 1775, we shall see the body attempting to control the election of delegates to the Continental Congress, and in Well's Register and Almanac for this year, 1775, the charges on protested bills of exchange are printed as the action of the chamber.[1]

Following the Indian traders, as the country became more settled, merchants began to establish themselves at the head of the navigable rivers. Among the earliest of these were the Kershaws. About the year 1755 three brothers, Joseph, William, and Eli Kershaw, came out from Great Britain to South Carolina, bringing with them considerable funds. In the year 1758 Joseph Kershaw settled at a place then called "Pine Tree," on the east side of the Wateree, at the head of navigation. John

[1] See autographs of the members of this body in 1774. *Year Book City of Charleston* (Courtenay, Mayor), 1883, 421.

Chesnut, Duncan McRae, and Zack Cantey, each of whom were to establish a wealthy and influential family, were employed in his trading establishment there. Mr. Kershaw soon became one of the most extensive and influential proprietors in that section, and it was through his influence that the town of Camden was laid out. The county of which Camden is the seat is called Kershaw County in his honor. The land on which the town of Cheraw stands was granted to Eli Kershaw. There, at the head of the navigation of the Pee Dee, Joseph Kershaw, John Chesnut, Eli Kershaw, William Ancrum, and Aaron Lacock carried on a large mercantile business under the firm of Eli Kershaw and Company. The firm was dissolved in 1774, when they sold out the lands, stock, and negroes employed in carrying on their business. At the other end of the province Daniel de Saussure (the eldest son of Henri de Saussure of Lausanne, Switzerland, the emigrant who had settled near Coosawhatchie in 1731, where he lived and died) removed to the town of Beaufort, where he conducted the largest commercial establishment in the province out of Charlestown.

Among the many points of essential difference in the condition of affairs between South Carolina and the other colonies, more especially the New England colonies, is that of the differing attitudes of the merchants of this colony, and those of the others in regard to the revolutionary movements. Mr. Lorenzo Sabine, in his *Historical Essay upon the American Loyalists*, observes in his preliminary remarks that the documentary history, the State papers of the period, teach nothing more clearly than that almost every matter brought into discussion at that time was *practical* and in some way or other related to labor and to some form of common industry; and from this, later on, he says there can be little wonder, therefore, that the great

body of the merchants of the thirteen colonies were Whigs; that fourteen, or just one-fourth of the signers of the Declaration of Independence, were men bred to or engaged in commerce or the command of ships. But in the list of these merchant signers of the Declaration there are but two Southerners, and none from South Carolina. On the contrary the mercantile influence in South Carolina was opposed to the Revolution. Henry Laurens, it is true, took an active part when the struggle began, but he had nothing to do with fomenting it, and was openly opposed to the violence of the times; and when confined in the Tower of London as a prisoner, he could truthfully write that during these times, at the peril of his life and fortune, he had labored to preserve and strengthen the ancient friendship between Great Britain and the colonies, and that in no instance had he ever excited on either side the dissensions which separated them. Gabriel Manigault, too, helped his State with a great loan in its extremity; but we do not find his name in any of the proceedings which brought on the struggle, and when the British took possession of Charlestown and set up a government, he returned to his allegiance, submitting to anything for peace and quietness in his few last days. He died, as we have seen, before the end of the war. Miles Brewton was a member of the Council of Safety in 1775, but he was opposed to separation; indeed, he was the choice of the moderate party for the Continental Congress as against Gadsden in 1774; but when independence was mooted, he gathered up all his goods and left the country. Christopher Gadsden had at one time been a merchant and was perhaps the only man in Carolina who from the very first was willing to accept the alternative of separation from England rather than submit to taxation which he deemed unjust; but his brother merchants assembled and went to

the polls in a body, taking their clerks with them to defeat his election as a delegate to the Continental Congress of 1774, so opposed were they to his view. It is true that John Neufville and twelve other merchants joined the General Committee under the non-importation agreement in 1769, but when, here as everywhere else, that agreement had been violated and the association fallen through, it was again proposed in 1774, the Charlestown chamber of commerce resolved not again to accede to any measure of non-exportation or non-importation whatever. John Neufville, however, remained steadfast in support of the Revolution, and was one of those who endured imprisonment and exile when the British took Charlestown rather than abate one title of his claim to freedom. As late as August, 1775, the merchants of Charlestown were so opposed to the course things were taking that Mr. Timothy, Clerk of the Council of Safety, writes to Mr. Drayton, then on his mission to the upper country, to rouse the people there to opposition, that the merchants either had nominated or would nominate ten of their body to represent them in the ensuing Provincial Congress. At a previous meeting, he sneeringly adds, "They proposed fifteen for their quota, then twelve, and at last condescended to be content with ten." The position of the merchants of Charlestown in regard to the Revolution has been accounted for by the fact that so large a portion of them were Scotch, who everywhere were Loyalists; but this would but partially do so. The controlling cause was just that which is assigned by Mr. Sabine as operating upon the New England merchants, but in this case operating just the reverse. It was a practical question of interest. The New England merchants were suffering under the Navigation laws of Great Britain; the Charlestown

merchants were prospering. It mattered not to them that Great Britain maintained a monopoly of their trade; that they could only ship their rice and indigo to England or to the south of Cape Finisterre. It mattered not to them that they could only do this in British bottoms; as it was, they were prospering and growing rich. No such number of vessels were seen in any other harbor in the colonies. Why then should they, the merchants of Charlestown, against their interest, join the merchants in Boston who were contending only for their own? Unlike the young lawyers returning from England, they had no political ambition to gratify. But whatever the cause, the fact is that the merchants of Charlestown generally were opposed to the Revolution, and so, as a class, were the traders in the upper country.

CHAPTER XXII

The first professional men to arrive in Carolina, of whom we have any certain knowledge, were physicians. In one of the vessels which sailed under Joseph West in 1669 came Dr. William Scrivener, deputy for Lord John Berkeley. The cost of his chirurgeon's chest and other instruments was £30. He took quite an active part in the affairs of the infant colony.[1] With the romantic story of Dr. Henry Woodward, the readers of the *History of South Carolina under the Government of the Proprietors* are familiar.[2] About the year 1685 Anthony Cordes, *un médecin*, reached the province. He came out with the French Protestants, and settled with them on the Cooper River, where he died in 1712.[3] In 1686 we find Dr. Christopher Dominick made a Cacique with a grant of twelve thousand acres from the Lords Proprietors;[4] and in 1698 Dr. Charles Burnham was one of a committee of the Assembly which reported against the legislative power of the Landgraves and Caciques[5] as an order. When the Yamassees rose in 1716 a Dr. Rose fell into their hands and was tomahawked and scalped, and left for dead, but happily recovered.[6]

The prominence of physicians in the early political affairs of the province under the Proprietary government

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 124–132, 134, 135, 153.
[2] *Ibid.*, 83, 90, 91–122, 137–177, 346.
[3] *Ibid.*, 337.
[4] *Ibid.*, 718.
[5] *Ibid.*, 293.
[6] Ramsay's *Hist. of So. Ca.*, vol. I, 164.

may probably be explained by the absence of the members of the other learned secular profession. For, as we have seen, it is not known that there was a single lawyer in the province before the advent of Nicholas Trott in 1698. The physicians being probably the most educated and intelligent of the colonists at the time were naturally drawn into public affairs.

Soon after the establishment of the Royal government several physicians of learning and ability came into the province, and made for themselves reputations which remain in the memory of their profession to this day. The first of these to arrive was Dr. John Moultrie, of whom we have already spoken,[1] who practised until his death in 1771, and who was at the head of the profession in the colony. Next came Dr. John Rutledge, also before mentioned.[2] Little is known of Dr. Rutledge's practice except that it was successful. The only mention of him we have been able to find is his appointment as surgeon of the First Regiment of Militia, organized by Lieutenant Governor Bull — the first — in 1738 upon an alarm of invasion by the Spaniards.[3] He died early and is best known to history as the father of the illustrious trio of sons, — John, Hugh, and Edward.

Dr. John Lining, another Scotch physician, arrived in Carolina two years after Dr. Moultrie. For nearly thirty years he successfully practised medicine in Charlestown, and was reckoned one of its most skilful physicians. His fame, however, was much more extensive than his practice. The latter was necessarily confined to the vicinity of his residence, but his medical writings, his statical experiments and meteorological observations, which were published in the transactions of the Royal Society of London, procured for him a large portion of fame in Europe. His

[1] *Ante*, 141. [2] *Ibid.* [3] *So. Ca. Gazette*, November 2, 1738.

statical experiments were the only ones made to any extent in America during the eighteenth century ; and his meteorological observations commencing as early as 1738 were the first made in Carolina, and as far as is known the first made in the British colonies. He was one of the first experimenters in the novel subject of electricity, about which he corresponded with Dr. Franklin soon after his discoveries. He also, in the year 1753, published an accurate history of the yellow fever, which was the first that had been given to the public from the American Continent.[1]

Lionel Chalmers, still another Scotch physician, was probably the next to arrive. He was born in Cambleton in the west of Scotland and came very young to Carolina, and here practised physic for more than forty years. He first practised in Christ Church Parish, but soon removed to Charlestown. He made and recorded observations on the weather for ten successive years, that is, from 1750 to 1760. He furnished a particular account of the opisthotonos and tetanus which was communicated to the Medical Society in London in the year 1754 and afterward published in the first volumes of their transactions. He also prepared for the press an account of the weather and diseases of South Carolina, which was published in London in 1776 ; but his most valuable work was an essay on fevers in the year 1776. In this, says Dr. Ramsay, he unfolded the outlines of the spasmodic theory of fevers. He died in 1777, leaving behind him the character of a skilful, humane physician and worthy, honest man.[2]

But the most famous physician of colonial times was

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 111, 481.

[2] *Ibid.*, 112, 451. Dr. Chalmers's grave is marked by a stone slab just east of the chancel of St. Philip's Church.

Dr. Alexander Garden. He was born in Scotland about the year 1728, and was the son of the Rev. Alexander Garden of the parish of Birse, in the shire of Aberdeen, a clergyman of high respectability who, during the rebellion of 1745, was distinguished by his exertions in favor of the family of Hanover and still more so by his humane interposition in behalf of the followers of the house of Stuart after their defeat at Culloden. Dr. Garden received his philosophical and classical education in the University of Aberdeen at the Mareschal College there. He received his first medical education under the celebrated Dr. John Gregory, and studied also a twelvemonth in Edinburgh. He arrived in South Carolina about the middle of the eighteenth century and began the practice of medicine in Prince William's Parish in connection with Dr. Rose. Here he began his botanical studies; but having lost his health he was obliged to take a voyage to the North for its recovery. On his return he settled in Charlestown and continued to practise medicine there for about thirty years. He was well acquainted with the Latin and Greek classics and was a considerable proficient in the knowledge of belles-lettres, in mathematics, philosophy, history, and miscellaneous literature; but his attention when the duties of his profession permitted any relaxation was chiefly directed to the study of natural history and particularly to that of botany. Upon these subjects he made sundry communications to his philosophical friends in Europe. Linnæus, the greatest botanist of his age, was among these and gave the name of Gardenia to a most beautiful flowering shrub. To extend his knowledge in natural history Dr. Garden accompanied Governor James Glen in 1752, when he penetrated into the Indian country and made the treaty with the Cherokees. In 1764 he gave to the public an account of the virtues of pink root

and at the same time a botanical description of the plant. About the year 1772 he was elected a fellow of the Royal Society; and after his return to Europe in 1783 he was appointed one of its Council and afterward one of its Vice Presidents.[1]

In a paper entitled *Contributions to Annals of American Progress and Medical Education in the United States before and during the War of Independence*,[2] Dr. J. M. Toner truly says the Carolinians from a comparatively early period furnished numerous valuable contributions to the literature of medicine and natural history, and for some years led all the colonies in the study of natural sciences.

Dr. Ramsay tells us that William Bull was the first native of South Carolina who obtained a degree in medicine; but the Octogenarian Lady who wrote *The Olden Time of Carolina*, herself one of the family of Landgrave Smith, mentions that Landgrave Smith's son George,[3] who was born in 1672, studied medicine and took his degree in Edinburgh, Scotland, in 1700, that is, thirty-four years

[1] Ramsay's *Hist of So. Ca.*, vol. II, 112, 469.

The following communications of Dr. Garden were published in the *Transactions of the Royal Society*. Note to Ramsay's *Hist. of So. Ca.*, vol. II, 112:—

The *Halesia*, first described by Dr. Garden, as appears by the letter of J. Ellis, Esq., F. R. S., read before the Royal Society November 20, 1760.

An account of the male and female cochineal insects, in a letter to John Ellis, Esq., read before the Royal Society December 23, 1762.

An account of an amphibious bipes (the mud iguana or syren of South Carolina), communicated in a letter to John Ellis, Esq., read before the Royal Society.

An account of two new tortoises, communicated in a letter to Thomas Pennant, Esq., and read before the Royal Society May 2, 1771.

An account of the gymnotus electricus, in a letter to John Ellis, Esq., read before the Royal Society February 24, 1778.

[2] Publications of the Bureau of Education (U. S.), 1874.

[3] In an address before the Medical College of South Carolina delivered by the author of this work, it is stated George Smith was born in 1672,

before Dr. Bull. And in some confirmation of this, his having chosen that profession, we find the Landgrave, who died in 1694, bequeathing to his son George "*all of my instruments that belong to chirurgery, and one-half of all my medicines* and one-half of all my books," etc. From which, by the way, Mr. Landgrave himself must have been provided in a medical way. But it now appears that George Smith was not born in South Carolina, if his age is correctly given, as his father did not come into the province until 1687. We have no account of Dr. Smith's practice — if indeed he did practise. In the year 1734 William Bull was graduated at Leyden, as we have before mentioned. Unless it be that George Smith was born in South Carolina, William Bull was not only the first native South Carolinian, but the first native American who received the degree of Doctor of Medicine.[1] He was a pupil of Boerhaave, one of the most celebrated physicians of his time. He defended, we are told, his thesis *De Colica Pictorium* before the University. He does not, however, appear to have practised his profession at all, but to have devoted himself to public affairs, in which we have already seen and shall see much more of him in the course of this history. But with his abilities, his gentle, kindly, yet firm disposition, and his remarkable tact, he must have succeeded in the practice of medicine had circumstances not called him into public life. Indeed, Ramsay tells us that he is quoted by Van Swieten as his fellow-student with the title of the learned Dr. Bull.

Dr. John Moultrie, son of the Dr. John Moultrie above mentioned, was the next South Carolinian who received a

at Old Town on the Ashley, among the very first births in the colony; but this he has since been assured by apparently good authority is a mistake, that his father, Landgrave Smith, did not come out to Carolina before 1687.

[1] Dr. Toner, Publication of the Bureau of Education (U. S.), 1874.

degree in medicine. He was born in South Carolina the year after his father's arrival in the province. He was graduated in Edinburgh in the year 1749, and defended — as it was termed — a thesis, *De Febre Flava*. He removed to Florida, of which he was Lieutenant Governor during the Revolution. When General Charles Lee proposed his expedition to Florida, immediately after the battle of Fort Moultrie, he asked Dr. Moultrie's brother, the hero of that victory, whether his brother being there as Governor would be an obstacle in his way to his taking the command of the expedition, to which General Moultrie promptly replied that it would not. In a manuscript journal of Josiah Smith, Jr., one of the exiles from Charlestown in 1780, he complains of the coolness with which he was received by Governor Moultrie, considering that he, Smith, was the executor of Moultrie's wife's grandfather, and having in trust for Moultrie's children a considerable estate in South Carolina which he, Smith, intimates to the Governor would suffer great damage by reason of his detention in Florida; but the hint was not taken, and Smith had to content himself with an occasional cup of tea at the Governor's, but with no intimacy. It was thus a curious coincidence that the two first native graduates in medicine from South Carolina should have adhered to the King during the Revolution; and that the first should be the Lieutenant Governor of South Carolina, and the other the Lieutenant Governor of Florida. The coincidence is further carried out by the fact that both removed to England during the war and died there, themselves in exile.[1]

[1] Dr. John Moultrie became Major of the British Regiment, known as the Buffs. His name is handed down by his descendants in Oxfordshire. *General W. G. de Saussure's Address*, Cincinnati Society, 1885. Dr. Bull died without issue.

The eighteenth century, says Ramsay, was more than half elapsed before the Carolinians seriously undertook to educate their sons for the practice of physic, or before any native American had established himself in South Carolina as a practitioner of medicine. About the year 1760 a few youths were put under the care of respectable physicians in Charlestown, and after spending five or six years in the doctors' shops doing the duties of apprentices and reading practical medical books, were sent to pursue their studies at the University of Edinburgh and then came home invested with the merited degree of Doctors of Medicine. They were well received by their countrymen and readily established themselves in business. Their success encouraged others to follow their example, and soon a medical education became common. Between 1768 and 1778 ten more natives obtained the honor of a degree in medicine. These were Isaac Chanler, Peter Faysoux, Thomas Caw, Charles Drayton, Tucker Harris, Robert Perroneau, James Air, George Logan, Zachariah Neufville, and Robert Pringle.

For eighty or ninety years after the first settlement of South Carolina the practice of medicine was almost if not entirely in the hands of Europeans; and even after that period, until the Revolution, nothing short of an European education was deemed sufficient to attach the confidence of the public to any medical practitioner. The first physician to break into this received opinion was the celebrated Dr. David Ramsay. Dr. Ramsay was the youngest child of James Ramsay, a respectable farmer, who had emigrated from Ireland to Lancaster County, Pennsylvania, at an early age, and by the cultivation of his farm with his own hands provided the means of subsistence and for the education of a numerous family. It is remarkable that a man in such circumstances should

have departed from the usual course of the times, and instead of employing his three sons in the usual offices of husbandry should have given to each of them a liberal education. They were sent to Princeton College, where they all received honors of that institution. William, the eldest, became a minister of the gospel, Nathaniel was bred a lawyer and settled in Baltimore, and David, coming to Carolina, became a distinguished physician, an ardent patriot, conspicuous in public life, and the historian, not only of South Carolina, but of the United States.

Dr. Ramsay was born in 1749 and took the degree of Bachelor of Arts, at Princeton, in the year 1765, being then only sixteen years of age. After spending two years in Maryland as a private tutor he began the study of medicine with Dr. Bond, in Philadelphia, where he regularly attended the lectures delivered at the College of Pennsylvania, the parent of the medical school which has since become so distinguished. The celebrated Dr. Rush was then Professor of Chemistry in that college, and this led to a friendship between Dr. Rush and himself which was cherished by both and continued during their lives, Dr. Ramsay declaring that in his opinion Dr. Rush had done more to improve the theory and practice of medicine than any one physician either living or dead. Dr. Ramsay was graduated Bachelor of Physics early in 1772 and removed to Charlestown in 1773. On settling in Charlestown he rapidly rose to eminence in his profession and general respect. In the revolutionary struggle he was a decided and active friend of his country and of freedom, and was one of the earliest and most zealous advocates of American Independence. In every period of the war he wrote and spoke boldly and constantly. From the Declaration of Independence to the termination

of the war he was a member of the legislature of South Carolina. For two years he was a member of the Privy Council, and for a short period was with the army as a surgeon, and was among those citizens who were banished by the British authorities to St. Augustine in 1780.[1]

Prior to the Revolution South Carolina was afflicted with three diseases, two of which were terrible in their mortality: the third, though then at least less fatal, was more permanent in its effect. The first of these, smallpox, was not in any way peculiar to the province. It was as common and as fatal everywhere. The second, yellow fever, though more probable of occurrence because of the nearer proximity to the West Indies, and of the greater business with those tropical islands, was, nevertheless, not restricted to Charlestown. Indeed, upon its first appearance it was identified by reason of its existence in Philadelphia at the time, where it was well known. The third, country fever, was peculiar in its form and violence to the rice region of South Carolina, and was potent in its effect upon the social, as well as the agricultural, development of the colony.

Dr. Ramsay says that the smallpox first appeared in

[1] *Memoir of Dr. Ramsay* by Hon. R. Y. Hayne, Preface to *Hist. of U. S.* After the Revolution Dr. Ramsay was for several years a member of the Continental Congress and for a year was President *pro tempore*, during the absence of John Hancock from sickness; and it was after this still that his principal literary and historical work was done. Among his works are: *History of the Revolution in South Carolina*, 1785; *Sketch of the Soil, Climate, Weather, and Diseases in South Carolina*, 1795; *A Review of the Improvements, Progress, and State of Medicine in the Eighteenth Century*, 1800; *Life of Washington*, 1801; *History of South Carolina*, 2 vols., 1808; *History of the United States*, 3 vols., 1816; *A Dissertation on the Means of Preserving Health in Charleston*; *A Biographical Chart on a New Plan to Facilitate Study of History*; *Eulogium on Dr. Rush*; *A Brief History of the Independent Church in Charleston.*

1700;[1] but as we have seen in a letter written, dated March 12, 1697–98, it is said: "We have had the smallpox amongst us nine or ten months, which hath been very infectious and mortal. We have lost by the distemper two or three hundred persons." This epidemic had caused the passage of "*an act for the more effectual preventing the spreading of contagious distemper*," the first quarantine measure.[2] This act had been made more stringent by revision and amendments in 1712, and again in 1721;[3] but notwithstanding the disease had again been introduced in 1732, so effectual were the measures for preventing its spread that the disease had been restricted to the neighborhood on the Edisto, in which it had appeared. But it was soon to appear again and become a terrible epidemic.

On the 13th of April, 1738, a vessel arrived from Guinea, called the *London Frigate*, which was discovered afterward to have smallpox on board, but not until several of the negroes imported in it had been brought ashore and sent, some into the town and some into the country. These were returned aboard again as soon as it was discovered that the ship had had the disease among its passengers, and it was ordered to fall down to Fort Johnson to perform quarantine.[4] Mr. Joseph Wragg, President of the Council in the absence of Lieutenant Governor Bull, issued a proclamation enjoining upon every one who had any slave sick with the smallpox to send them to this vessel, and called upon all his Majesty's Justices of the Peace and constables and other officers, to take all imaginable care to prevent the spreading of the disease. But this time there was no checking its progress;

[1] Ramsay's *Hist. of So. Ca.*, 70.
[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 308, 513.
[3] *Statutes of So. Ca.*, vol. II, 382; vol. III, 127.
[4] *So. Ca. Gazette*, May 4, 1738.

it spread fearfully among the people, and indeed to such an extent, as we have told elsewhere, that there was not a sufficiency of persons in health to attend the sick, and many perished from neglect and want. There was scarcely a house in Charlestown in which, before the disease had expended itself, there had not been one or more deaths.

During the prevalence of the epidemic the Rev. Commissary Garden addressed a note to Mr. Timothy, the publisher of the *Gazette*, requesting him to publish Dr. Pitcarn's method of treatment, which he believed might be acceptable to such persons as could not have the assistance of a physician. This Mr. Timothy published on June 1st, and it appears to have consisted chiefly of two treatments, one was blood letting and the other the use of the syrup of white poppies. To these were added, in some instances, the most loathsome and disgusting decoctions. Mr. Timothy, in the same issue of the *Gazette*, observes, editorially: "We don't hear that the smallpox spreads much in the town, and there are very few that have it in the natural way and all very favorably; but several being fond of having it, have been inoculated, and probably the distemper has been propagated more that way than it would have been trusting to Providence and using prudent precautions in preparing the body in case of an attack. What success the inoculation will have in these parts of the world we shall learn by those who have been willing to expose themselves to the tryal."

Dr. Morbray, a surgeon of a British man-of-war, then in the harbor, had proposed inoculation, and though all the physicians in the province first opposed it, Dr. Morbray's suggestion was adopted by many persons. Mr. Philip Prioleau was the first person in Charlestown who submitted to inoculation. The success which attended his experiment encouraged others to follow his example.

But there was great opposition to the practice. Mr. Timothy again attacks it in the *Gazette* of the 15th of June. He observes: —

"We hear that since numbers, whites and blacks, have been inoculated of the smallpox, that distemper is now become more epidemical and several have died among some of those who have undergone the operation. We hope, however, that Artists, by keeping an exact and true account of such as have died by Infusion, and of such who have died naturally, will make it appear that the general good of mankind is their only motive for inflicting and propagating a distemper, and that purchasing the same at the risque of one's life is preferable to a resignation to the will of the Supreme Author of the Universe."

In the same issue of the *Gazette* an essay on the subject appears which, beginning on the 8th, runs through nearly eight issues of this paper. Then on the 6th of July another writer takes up the matter and answers Mr. Timothy's editorial, discussing the objection that the practice was not consistent with our duty of trusting to Providence; but rather a tempting of God and taking ourselves as it were out of his into our own or the physician's hands; and whether it be an improper, immoral means of obtaining this good and moral end, or, in other words, a presumptuous doing evil that good may come.[1] On these lines the discussion ran all through the summer, and *Philalethes Philanthropos*, and *Philo-verus Philirenus*, and *Laicus*, and others, week by week, in long, dry, prosy disquisitions contended for and against the morality of

[1] As late as 1766, upon inoculation of the Royal children, the same outcry was raised in England, says the author of the *Memoirs of George IV*, 14. "The most decided and illiberal opposition was everywhere manifested toward the practice of inoculation, and some overzealous and puritanical preachers extended their zeal so far as to denounce it from the pulpit as of the most impious tendency; that it was criminally and unjustifiably interfering in the concerns of heaven, and consequently its extreme vengeance was denounced on those who dared to follow such a guilty example."

the practice, seldom touching the medical question; until, on the 7th of September, Mr. Timothy was obliged to insert this notice: —

"Two Letters, one signed *Laicus* and the other *Philiremus* are come to hand; but as there is a fresh supply of Foreign news and the generality of my customers shew a dislike to have any more of inoculation in the *Gazette*, the letter of Laicus will be published next week by itself and may then be had of the printer hereof."

From one of these papers we get, however, this piece of information: that about 160 white persons and 200 negroes, near 400 in all, were inoculated up to the 20th of July, and that not a single one of all the white persons who had taken the distemper by inoculation had died under it up to the 6th of July. After that date two children that were inoculated died, and two white adults; but the latter, it was insisted, had taken the disease before the treatment.[1] It does not appear to have been disputed, however, that the practice spread the infection and increased the number of cases. The experience in South Carolina, therefore, confirmed this general objection to the practice.

During the prevalence of the epidemic Lieutenant Governor Bull issued a proclamation appointing a day of fasting and humiliation to implore the Divine goodness to avert the calamity; and on the 12th of September he convened the General Assembly at Ashley Ferry instead of Charlestown in consequence of the continuance of the disease there. But two acts were passed at this session, one "*for the better preventing the spreading of the smallpox in Charlestown*," and the other "*for the further security and better defence of this province.*" The first of these prohibited any person having the smallpox from coming into the town or within two miles of it, and prohibited inoculation within the same distance of the town, provided for

[1] *Gazette*, July 20, 1738.

the removal of infected persons, and required masters of plantations to affix a white rag at the gate or entrance to any house or plantation in the country in which there was a case of smallpox. The Justices of the Peace, church wardens, and constables were charged with the duty of enforcing the law.[1]

The next epidemic of smallpox was in 1760. About the beginning of this year, says Dr. Ramsay, the smallpox was discovered in the house of a pilot on White Point; guards were placed around the house, and every precaution taken to prevent the spreading of disease, but in vain. When the persons first infected were either dead or well, the house in which they had lain was ordered to be cleansed. In doing this a great smoke was made, which, being carried by an easterly wind, propagated the disease extensively to the westward in the line of the smoke. Inoculation was again resorted to and became general.

When this practice was first introduced, and for years after, says the same author, the inoculators loaded their patients with mercury and tortured them with deep, crucial incisions, in which extraneous substances impregnated with the variolous matter were buried. There were then able physicians in Charlestown, but they were so mistaken with regard to the proper method of treating the disease that it was no uncommon practice to nail blankets over the shut windows of closed rooms to exclude every particle of cool fresh air from their variolous patients, whose comfort and safety depended on its free admission. The consequences were fatal. Charlestown was a scene of the deepest affliction. Almost every family was in distress for the loss of some of its members, but so occupied with their attentions to the sick they could neither indulge the pomp nor the luxury of grief. The deaths from the small-

[1] *Statutes of So. Ca.*, vol. III, 513.

pox were nearly eleven-twelfths of the whole mortality in Charlestown. Only 87 died of other diseases, while the deaths from smallpox amounted to 940. Of these only 92 died under inoculation. Fifteen hundred persons are said to have been inoculated in one day, and it is certain from the bills of mortality 848 persons died of the disease who were not inoculated. If we allow, says Dr. Ramsay, that only one in four died, as in the year 1738, the whole number who took the disease in the natural way must have been 3392.

In the year 1763 the smallpox returned: but as there were few to have it, and inoculation was generally adopted, its ravages were not extensive. For seventeen years after we seldom or never hear of the disease. It made its appearance again just before the siege of Charlestown; and immediately after the surrender of the town, on the 12th of May, 1780, a general inoculation took place. But, observes Dr. Ramsay, as the cool regimen was then universally adopted, the disease passed over without any considerable loss or inconvenience.

But the disease which has done more to the injury of Charlestown than any other, both before and since the Revolution, — though happily now it is hoped effectually excluded by our rigid quarantine system, — is the yellow fever.

We have already seen the ravages of this disease in 1699, 1703, 1706, 1728, 1732, 1739. It again appeared, but with less severity, in 1745, 1748, and again, in a few cases only, in 1753 and 1755. For forty-four years after 1748, that is, until ten years after the Revolution, there was no general epidemic, though occasionally in different summers a few sporadic cases occurred.

Believing from experience that yellow fever was an imported disease, the General Assembly in 1747 again

took up the subject of the quarantine regulations and made still more stringent provisions in regard to them. No vessel coming from any part of America in which the commander of Fort Johnson had information that there existed any plague, malignant fever, smallpox, or other contagious distemper, or the master of which refused to answer questions on oath as to the health of those on board, was permitted to pass the fort till some one of the physicians named in the act should have visited the vessel and certified the commander of the fort that all persons on board were in health. The physicians named in this act were Dr. John Lining, Dr. David Caw, and Dr. William Rind.[1] Two years after another act upon the subject was passed by which the church wardens and vestry of St. Philip's, Charlestown, were directed to procure or hire some convenient house in an open and airy place, and at a proper distance from the body of the town, as a public hospital for all sick sailors and other transient persons, which hospital was to be subject to such regulations and directions as the church wardens and vestry should find necessary, and to be committed to the care and management of a sober, prudent, and discreet matron, who should have under her such assistant nurses, servants, and others as the necessity of the times might require.[2]

The disease which has been more injurious to the low country of South Carolina than any other has been that for many years known as the country fever, though it does not seem to have been so called when Dr. Ramsay wrote in 1809, nor does he appear to have regarded it as fatal as it afterward became.

Fevers, says Dr. Ramsay, are the proper endemics of Carolina and oftener occur than any, probably than all, other diseases. These he holds are the effects of its warm

[1] *Statutes of So. Ca.*, vol. III, 694. [2] *Ibid.*, 720.

moist climate, of its low grounds and stagnant waters. In their mildest season they assume the type of intermittents; in their next grade they are bilious remittents; and under particular circumstances in their highest grade constitute yellow fever. No physician of the present day would confuse country fever in its deadliest form with yellow fever, but it was no less fatal. Dr. Ramsay traces the curious results of the efforts of the inhabitants to avoid these diseases. When the province was first settled the country was healthy. Archdale declared that the air was serene and exceeding pleasant, as the first settlers experienced, seldom having any raging sickness but what had been brought from the Southern colonies, *i.e.* the West Indies, by vessels coming to the town.[1] So in the letter written by the Governor and Council in January, 1699–1700, giving an account of the yellow fever of the year before, it is mentioned that besides those who died in the town, ten or eleven died in the country, all of whom got the distemper and were infected in the town, went home and died, and what is notable, it is observed, not one of all their families was infected by them.[2] Dr. Dalcho remarks that the interesting fact is obtained from this letter that before our extensive swamps were cleared of their timber, and their surface exposed to the direct rays of the sun, persons could reside in the country in the summer and autumn without danger, and when an unusual sickness prevailed in the town, the country was resorted to as a place of health.[3] Thus we have just seen Lieutenant Governor Bull, in 1738, summoning the Assembly to Ashley Hall on the Ashley River, and the Assembly meeting there in September, which a hundred years later would

[1] Carroll's *Coll.*, vol. II, 96.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 309.

[3] Dalcho's *Ch. Hist.*, 36, note.

have been considered certain death to every member. The mansions which lined the Ashley River, and were to be found all through the low country, attest the confidence of the builders in the health of these localities. But with the great increase in the area planted in rice, the turning up of the soil in the swamps, and the excavations made in the great ditches and cuts connecting the creeks and rivers and opening the swamps, the bilious remittent fevers began to assume the deadly character subsequently known as country fever.

In a description of the province written in 1763, it was charged that the inhabitants, more careful to acquire splendid fortunes than to preserve their health, built their houses near their rice fields and indigo-dams, where they must always keep stagnating water.[1] Finding these becoming unhealthy, the planters during most of the period of the Royal government resorted to the town during the summer. Those who could afford the expenses of double residence spent their summers in town and their winters in the country, thus reversing the ordinary habit of other countries. The absence of yellow fever for twenty-seven years before the Revolution confirmed this custom, which became very general. The frequent recurrence of yellow fever again after the Revolution, and the crowded condition of the metropolis, induced numbers to adopt other plans. The sea islands, particularly Sullivan's Island, Beaufort, Eding's Bay, and the seashore generally, were found safe asylums alike from the fevers of the rice fields and the yellow fever in the towns. Spots of high and dry land covered with pine trees, and a sufficient distance from ponds, swamps, and reservoirs, were sought, and to them families retired from their mansions on their plantations, and generally in com-

[1] Carroll's *Coll.*, vol. II, 493.

paratively rough frame houses passed the summers sociably with their neighbors, allured to the same place with the same views. While the forced absence of the masters from their plantations was no doubt a great injury to their estates, and the fact that the white man could not live in these regions during a considerable part of the year was and has continued to be a great drawback to the prosperity of the community, unexpected but very natural advantages resulted from and in a great measure compensated the evils of the system. The summer settlements became the seats of schools and churches, neither of which were in the convenient reach of the inhabitants when dispersed over the country upon their plantations. Nor were the planting interests as materially injured as might be supposed, for one of the conditions of the site of a summer settlement was that it should be in reach of the plantation of a day's journey to and from, allowing a sufficient time for a supervision of the place. These summer resorts thus became social centres, collections of people of wealth, and during the summer of leisure; for it so happened that during the summer there was little to be done on the plantations.

In the *Gazette* of June 5, 1755, there is a notice of a meeting of the Faculty of Physic, Dr. John Moultrie, President, which took place at Gordon's Tavern on the 2d. This Faculty was formed, it was said, for the support of the dignity, the privileges, and emoluments of the humane art, especially of those allowed them by the King's authority, national customs, and usages of all places and provinces, Charlestown alone excepted. The Faculty declared: —

"That considering they are called out under the greatest inclemencies of the weather, sometimes merely to gratify the patient, sometimes when no medicines are required or only such as the families

themselves are provided with, that they are often slowly and seldom sufficiently paid for their solicitous care in providing the greatest of all temporal blessings — nay, that without which life would be misery — viz. the health of their fellow-citizens; neither can they think that the payment of an apothecary's bill is a sufficient reward to him who acts in three distinct offices of physic, surgery, and pharmacy. They therefore have unanimously resolved that after the tenth instant they will give no further attendance without a reasonable fee paid at the first, and at every other visit during the course of their attendance."

We are not informed whether the Faculty were able to carry on their practice on this cash basis.

CHAPTER XXIII

The jurisdiction of the Bishop of London over the Church and clergy in America, which had been questioned in several of the colonies,[1] was definitely prescribed, so far as the province of South Carolina was concerned, by the instructions to Sir Francis Nicholson, the Provisional Governor,[2] and confirmed by those to Robert Johnson, the first regular Royal Governor of the province.[3] The Rev. William Tredwell Bull, minister of St. Paul's, Colleton County, succeeded the Rev. Gideon Johnson, who, it will be recollected, was drowned in 1716,[4] as Commissary of the Bishop of London. We do not know when he was appointed, but we find him acting as such in 1723, and are indebted to him for an account of the condition of the Church of England in the province at that time.[5] He was in London at the time, and wrote as follows: —

"The Province of South Carolina is divided into thirteen Parishes. In Berkeley county there are eight.

"1. St. Philips, Charles City,[6] the only one of note and port of trade in the said province, which parish extends throughout the said city

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 417, 418-420, 442, 471.

[2] *Coll. Hist. Soc. of So. Ca.*, vol. II, 147.

[3] *Ibid.*, 178.

[4] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 548.

[5] Hist. Address by J. J. P. Smith, Appendix; special services St. Philip's Church in commemoration of the planting of the church in province of Carolina, 13th of May, 1775.

[6] It will be observed that throughout this Report Charlestown is spoken of as Charles City. It will be remembered this was during Governor Nicholson's attempt to establish a municipal government for the town under the name of Charles City.

and a neck or point of land between the two navigable rivers of Ashley and Cooper about six miles in length and two in breadth, may contain between three hundred and four hundred Christian families. In the said city there is a newly erected church, not yet entirely finished; a large, regular, and beautiful building exceeding any that are in his Majesty's dominions in America. The present Minister of the said church is the Rev. Alexander Garden (who hath enjoyed the living somewhat more than three years), a learned and pious divine but of a sickly and weak constitution, stated salary £150 equal to £120 sterling, paid out of the public treasury, besides the perquisites which are in that parish considerable. Likewise there is a grammar school now setting up by Rev. Thomas Merrit, Missionary from S. P. G. with salary from Society of £30 sterling and £100 proclamation money from public treasury, besides benefit of scholars which is settled by law at £3 per annum, a scholar, proclamation money.

"There are also in this city a small congregation of French refugees who retain the Liturgy and Discipline of the Reformed Church of France, one of Presbyterians, another of Anabaptists, and a few Quakers who each have a Meeting House, but at present neither of them has a settled minister or teacher.

"2. St. James, Goose Creek. A rich and populous parish. The church which is about sixteen miles from Charles City is a neat and regular, but not a large, brick building. To this church is lately gone over a missionary from the Honourable S. P. G., the Rev. Mr. Ludlam. The stated salary from the public treasury allowed to this and each of the other county parishes is £100 per annum proclamation money or value thereof in currency of Carolina. Also a very handsome parsonage house of brick and a glebe of about one hundred acres.

"3. St. Andrews. The church about twelve miles from Charles City; the minister Rev. Mr. Guy, a worthy divine and well esteemed of the parish, one of the Honourable Society's Missionaries and hath been so for eleven years. There is a decent parsonage house and a glebe of twenty-five acres. The inhabitants are now enlarging and beautifying the Parish church which is of brick. . . .

"4. St. Georges. The church is twenty-five miles from Charles City, a large and populous parish, wherein is a handsome brick Church, a parsonage built of timber, and a glebe of two hundred and fifty acres. To this church is now going over the Rev. Mr. Varnod, Missionary from the Honourable Society.

"5. St. Johns. A large, populous, and rich parish in which is a

decent brick church twenty-five miles from Charles City, lately adorned and beautified at the charge of the parishioners, a very convenient brick parsonage house pleasantly situated upon a glebe of three hundred acres. Rev. Mr. Brian Hunt Minister and Missionary from Honourable S. P. G. arrived there about March or April last, and was kindly received by the people.

"6. St. Thomas, a large and populous parish in which are two churches and two glebes, but no parsonage house yet built. The Rev. Mr. Hasell, who hath been Minister of the parish and Missionary from the Honourable Society fourteen years and well esteemed by the people, residing upon an estate and in a house of his own, while the money appropriated from the public for the building of our (*sic*) house is daily increasing, being put out upon good security at the legal interest of the country.

"7. St. Dennis. A congregation of French refugees, conforming to the Church of England, and within the bounds of St. Thomas Parish, and made a distinct parish for a time till the present inhabitants or their children attain the English tongue. The Minister, the Rev. Mr. John La Pierre, also hath enjoyed the living about twelve years, receiving an equal salary from the treasury with the other country parishes, but is no Missionary.

"8. Christ Church. A large parish, but poor: there is a timber Church thirteen miles from Charles City, a parsonage house, a glebe of one hundred acres. The present Minister, the Rev. Mr. Pownal one of the Missionaries S. P. G., came over to that parish in October last.

"In Craven County are two parishes.

"9. St. James, Santee. A parish consisting chiefly of French refugees conforming to the Church of England in which is a church about sixty miles from Charles City, a Parsonage house, and a glebe of near one thousand acres. The present Minister, Rev. Mr. Albert Poudevous, a learned divine and convert from the Church of Rome, hath been resident there about two years.

"10. King George's Parish, which, being a new settlement about ninety miles from Charles City, was made a parish by his Excellency General Nicholson, his Majesty's present governor, about eighteen months ago, the General Assembly having allowed £1000 currency and his Excellency having given £100 toward the building of a church there which is not yet begun.

"In Colleton County there are two parishes.

"11. St. Paul's now vacant, and the parishioners humbly suppliant for another minister. . . . The church, which is built of brick and stands twenty miles from Charles City, being too small for the present congregation, is at this time enlarging and beautifying; the inhabitants having raised subscription among themselves upwards of £1000 and obtained from the General Assembly £500 currency besides a legacy of £100 bequeathed to that use by Mr. Jno. Whitmarsh of the said Parish lately deceased, and some few other presents. Near the church is a glebe of seventy acres, whereon was a convenient brick house and outbuildings burnt by the Indians in the war of 1715 and not yet rebuilt; £456 allowed for repairs from treasury.

"12. St. Bartholomews. Vacant since 1715 by death of Mr. Osborne. Entirely depopulated by Indian war; very few inhabitants returned. Neither Church nor Parsonage house; glebe of three hundred acres.

"In Granville County but one parish.

"13. St. Helena's. Neither Church nor Parsonage house. £1000 lately allowed by General Assembly and £100 by Governor. Depopulated by Indian war, but many inhabitants since returned."

During the Royal government nine additional parishes had been laid off and established. In 1734 the parish of St. Paul's in Colleton County was divided. John's Island, Wadmalaw Island, and Edisto Island were cut off and made into a new parish, under the name of St. John's, Colleton; a part of Prince George's, Winyaw, that where Georgetown stands, was cut off and made into a parish, to be called Prince Frederick.[1] In 1745 St. Helena's Parish was divided; the new parish was called Prince William.[2] In 1747 the township of Purrysburg was cut off also from St. Helena and made into a parish under the name of St. Peter's.[3] We have seen the division of Charlestown into two parishes and the establishment of the new parish of St. Michael's in 1751.[4] The new parish of Prince Frederick was in 1757 again subdivided by cutting off all

[1] *Statutes of So. Ca.*, vol. III, 374.
[2] *Ibid.*, 658. [3] *Ibid.*, 668. [4] *Ibid.*, 753.

the territory between the Pee Dee and Santee rivers north of Williamsburg township, and erected into a parish under the name of St. Mark's, in the present counties of Clarendon, Sumter, Kershaw, Chester, and Lancaster.[1] In 1767 two new parishes were established, one from another portion of St. Helena Parish, to be called St. Luke's, and another from Prince Frederick, to be called "All Saint's."[2] In the next year, 1768, St. David's Parish, Cheraw, was cut off from another part of Prince Frederick.[3] In 1756 provision was made for an itinerant missionary in the remote parts of the province, whose principal residence was to be at Fredericksburg, Wateree, in the midst of a thickly settled country. For this mission Mr. Charles Woodmason, a highly respected resident in the colony, and for some time in those parts of it, went to England to obtain ordination.

From a full and particular account given by him in 1766 of the parishes and churches in the province, it appears that there were then twenty parishes: of these sixteen were provided with either rectors or officiating ministers. Besides these there were three extra parochial districts; the number of clergymen, if all the positions were filled, twenty-five, besides a clergyman who was master of the free school in Charlestown. The twenty parishes sent fifty members of Assembly. The account contains minute descriptions of several of the parish churches and some mention of the modes of worship. There is a very significant and interesting observation in this paper. Mr. Woodmason states that "the reason why no more parishes are laid out arises from political motives, as it would increase the number of Assembly men, *which place is so troublesome and expensive that few are to be found at an election to undertake it.*" Mr. Woodmason's churchmanship, it has been

[1] *Statutes of So. Ca.*, vol. IV, 35. [2] *Ibid.*, 266. [3] *Ibid.*, 300.

observed, seems to have been of that steady character which is not easily shaken by alarms; for while he mentions without comment that surplices were worn only in the three towns, he tells us, also without comment, that St. Philip's was built after the model of the Jesuits' college at Antwerp, and has rich cloths and coverings not only for the pulpit, but also for the *altar*. He alludes to the plate and ornaments of St. Michael's as "superb," and says that this church was after the model of the church of Greenwich.[1]

Commissary Bull left the province in 1723, and Bishop Gibson of London appointed Mr. Alexander Garden in 1726 as his Commissary. This was the same Mr. Garden whom Commissary Bull had described as learned and pious, but of a sickly and weak constitution. He nevertheless was rector of St. Philip's for thirty-four and Commissary of the Bishop of London for twenty-eight years, in which positions he exercised his sacred functions, it was said, with becoming piety, zeal, and candor, and with unwearied labor and diligence. The principal events of his ministry — his controversy with Mr. Whitefield, and his attempt to carry out the design of the Society for the Propagation of the Gospel to educate negroes, whom the society were to purchase for employment in negro schools — we have already related and discussed.

We have no account of formal visitations of the clergy by either Commissary Johnson or Commissary Bull, if any such were held; but we have of those of Commissary Garden. His first visitation was held October 20, 1731, when the clergy were convened for the purpose. These annual visitations he continued regularly for twenty-three years, until his resignation in 1754. No other commissary was appointed to succeed him. The clergy, however, con-

[1] Hist. Address by J. J. P. Smith, etc., before mentioned.

tinued these annual meetings until prevented by the approach of the Revolution. The twenty-second annual meeting was held April 25, 1770. Nine clergymen were present, six were absent. The sermon was preached by the Rev. John Lewis, Rector of St. John's, Colleton.[1]

The Rev. John Wesley's first visit to Charlestown, in 1736, happened at the time of one of these annual visitations of Commissary Garden, and he thus gives his experience concerning it. "I had the pleasure of meeting with the clergy of South Carolina, among whom in the afternoon there was such a conversation for several hours on 'Christ our Righteousness' as I had not heard at any Visitation in England or hardly any other occasion."[2]

The Rev. Mr. Garden was beloved, says Dr. Dalcho, by the clergy as a father, and greatly esteemed by the congregation for whose spiritual welfare he had labored so many years. The vestry, wardens, and parishioners joined in an address to him upon his resignation, expressing their reverence and love, and presented to him a piece of plate with an engraving upon it of the west front of the church, and an appropriate inscription.[3]

Mr. Garden was succeeded as rector of St. Philip's by the Rev. Richard Clarke, who officiated, however, as such but three years, when he returned to England and was succeeded in 1756 by the Rev. Robert Smith, A.M., Fellow of Caius and Gonville College, Cambridge, who continued rector of the church for fifty-two years, and was the first American Bishop of the Diocese of South Carolina. From this time Mr. Smith's name will be found interwoven with the history of the province, particularly during the struggle of the Revolution.

[1] Dalcho's *Ch. Hist.*, 200. [2] *Digest of S. P. G. Records*, 27.

[3] Dalcho's *Ch. Hist.*, 171–174; *Hist. Sketch of St. Philip's Ch.*, by Edward McCrady; *Charleston Year Book*, 1896.

A sudden storm in the harbor of Charlestown lost to the Church of England its chief minister in Carolina in 1716.[1] The hurricane of twenty years before had left stranded upon its shores the Rev. Archibald Stobo, who may be said to have established the Presbyterian Church in Carolina. The almost miraculous circumstance by which he was saved from destruction when the *Rising Sun* was lost off the Charlestown bar in 1696 will be remembered. It was the beginning of a ministry in Carolina which was to extend through forty years of the eventful history of the province. He is represented as having founded several churches, particularly those at Wilton, Pon Pon, James Island, and Cainhoy;[2] and was most influential in forming the first presbytery in the province, which was the third presbytery organization of the United States.

Mr. Cotton, the minister of the Independent or Congregational Church in Charlestown had died a year before Mr. Stobo was thrown upon our coast. Mr. Stobo's ministry in that church commenced immediately after that event and continued for four years. He was succeeded in that charge by the Rev. William Livingston, whose ministry lasted beyond the year 1720. In 1724 forty-three persons, members of the church, subscribed a call inviting the Rev. Nathan Bassett to be their minister.[3] Mr. Bassett was a graduate of Harvard University, and was ordained in Boston on the 14th of April, 1724, with a view of becoming the pastor of this church. He was a member of the presbytery, but was regarded as a Congregationalist. He complained that Governor Nicholson was very offensive to him upon his arrival, asking, "How dare the ministers of Boston be such impudent dogs as to ordain you for and send you to a particular place in *my* government." The Governor,

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 548.
[2] Howe's *Hist. Presb. Ch.*, 146. [3] *Ibid.*, 145, 146, 147.

Mr. Bassett stated, had prejudices against Dissenters as of "factious and republican principles not worthy to be tolerated in his Majesty's dominion;" he "wished to recall privileges granted to Dissenters, as they aimed at independency of the State, as in New England," etc.[1]

The original building used by the Independent congregation was but forty feet square and slightly built. It was much out of repair, and in 1729 the building of a new house of worship was begun, which was completed in 1732. It was built entirely by private means, the subscriptions varying from £1 10*s.* to £100, and amounting in all to £8322 15*s.*, which was increased in 1731 by £322 additional for enlarging the building. Being a wooden building and painted white, it became known as "The White Meeting."

The present Meeting Street in Charleston was originally called Church Street, but upon the removal of the congregation of St. Philip's Church to the site of the present church, the street on which it was erected took the name of Church Street, and the old Church Street became Meeting Street, from the "White Meeting-house" upon it.

The Rev. Josiah Smith was at this time called from the church at Cainhoy to the "White Meeting" church in Charlestown as a colleague to Mr. Bassett. This was owing not only to the occasion for pastoral assistance, but probably still more to heal the breach caused by the separation of the Scotch Presbyterians. Mr. Smith was of a prominent family, being a grandson of the Landgrave Thomas Smith, once Governor of the colony. He was born in Charlestown in 1704, and was graduated at Harvard, Massachusetts, in 1725, and the next year ordained a minister for Bermuda. It is not known how long Mr. Smith remained at that place, but he became minister at Cainhoy probably as early as 1728.[2]

[1] Howe's *Hist. Presb. Ch.*, 180–184. [2] *Ibid.*, 185.

Until 1731 the Presbyterians and Congregationalists worshipped together. Before Mr. Stobo's pastorate there had been three Congregationalist ministers from New England. He and his successor, Mr. Livingston, were Presbyterians. During the pastorate of Mr. Bassett, who was a Congregationalist, the Europeans in the body being zealously attached to the form and discipline of the Church of Scotland, withdrew and formed another society. They founded the First Presbyterian Church, and required that their ministers should be ordained in the Presbyterian form and hold to the Westminster confession of faith. The members thus separating were chiefly natives of Scotland, and the organization assumed the name of the Scotch Church, which it has ever since borne. Their first minister was the Rev. Hugh Stewart. Their house of worship was built of wood with a steeple and chanticleer vane. It stood in Meeting Street, near the site of the present church edifice.[1]

The records of this church have unfortunately been lost, and we only know, says Dr. Howe, of Mr. Lorimer's connection with it from the casual mention of him in the records of other churches relating to the presbytery. Mr. Lorimer appears at one time to have been very popular, but his popularity did not last, and he appears to have severed his connection with the church, and after some time to have been succeeded by Philip Morrison in 1757, and he by the Rev. Alexander Hewatt, the historian, in 1763. Dr. Hewatt continued his charge of the congregation as late as 1775; but he was a Royalist, as most Scotchmen were, and abandoned the colony upon the breaking out of the Revolution. He was intimate with the family of Lieutenant Governor Bull, and, as stated in the introductory chapter to the previous work of the author's, wrote

[1] Howe's *Hist. Presb. Ch.*, 201; *Charleston Year Book*, 1882, 397.

his history, it is believed, in consultation with that gentleman, while they were both in exile in London.[1]

The letter written from Charlestown, June 1, 1710, which has before been quoted, states that there are "five churches of British Presbyterians."[2] Dr. Howe supposes that the Congregationalist Church in Charlestown was included in these, and that the others were the churches on James's Island, John's Island, Edisto, and Cainhoy.[3] That on Edisto was probably the first. It was established by the emigrants from Scotland and Wales, who were permanently settled on that island in the beginning of the century. Without the aid of government generally, and though having themselves through their taxes to contribute to the appropriations for the building of churches and maintenance of the clergy of the Church of England, the Presbyterians increased and founded new churches. In one instance at least, however, they received assistance from the Royal government, and that was in the establishment of the colony of Irish Presbyterians at Williamsburg. The Presbyterian Church founded there in 1734 by the Rev. John Witherspoon, a native of Glasgow, Scotland, who had emigrated to the county of Down in Ireland, and then to Carolina, received grants of glebe lands with not only permission to enjoy the faith and worship of the Presbyterian Church, but with a positive proviso, and limitation that the minister occupying the premises and ministering there shall "profess, teach, and use the doctrine, discipline, and worship now used in the Church of Scotland and subscribing the Westminster confession of faith as his confession.[4]

Ramsay says that the Rev. Dr. Stobo founded the

[1] Howe's *Hist. Presb. Ch.*, 271, 272, 318, 403.
[2] *Ibid.*, 163.
[3] *Ibid.*, 146.
[4] *Hist. of Williamsburg Ch.* (Wallace), 16.

churches on James's Island and Cainhoy. The Rev. Mr. Witherspoon was the pastor of the former for ten years, and the Rev. Josiah Smith was pastor of the latter. The church on James's Island was ministered to by the Rev. Mr. Turnbull.[1]

With the Swiss colony under John Peter Purry, in 1732, came out the Rev. Joseph Bugnion, who had taken orders in the Church of England, being ordained by Dr. Clagett, Bishop of St. David's, though doubtless most of these settlers were members of the Reformed Church of Switzerland before they came to America. He ministered to the colonists of Purrysburg for two years, when he removed to St. James, Santee. Ten years later the Rev. Henry Chiffelle, another native of Switzerland, was ordained by Dr. Gibson, Bishop of London, and sent out by the Society for the Propagation of the Gospel to what remained of that unfortunate colony, and continued in his mission there until his death in 1758.[2] During his ministry the settlement was established as a separate parish by an act of the Assembly, under the name of St. Peter's Parish.[3]

The exiled Salzburghers, who, assisted by the "Society for the Propagation of Christian Knowledge," emigrated to Georgia, arrived off the harbor of Charlestown in March, 1734; and while the ship containing them lay off the bar, Governor Oglethorpe brought their Commissary, the Baron von Reck, and their pastor, John Martin Bolzius, with him to the town. Here they found a few Germans, firm in their attachment to the Lutheran faith, desiring the celebration of the Holy Supper. The Rev. Mr. Bolzius returned therefore in May with the Baron, and on Sunday, May 26, 1734, at five o'clock in the morning, in the inn

[1] Howe's *Hist. Presb. Ch.*, 187.

[2] Dalcho's *Ch. Hist.*, 385, 386; *German Settlements*, etc. (Bernheim), 96.

[3] *Statutes*, vol. III, 668.

in which Bolzius was stopping, it is supposed, he administered the Holy Communion to those who on the day before he had examined and absolved according to the usages of the Lutheran Church.

Nothing more is heard of the Lutherans in Charlestown until 1742, when the Rev. Henry Melchior Muhlenberg, on his way from the settlement of the Salzburghers at Ebenezer, near Savannah, to Philadelphia, compelled to wait three weeks for a vessel, gathered the German residents and instructed them in the catechism and preached to the old and young on Sundays. In 1753 the Lutherans were visited by two other passing clergymen. It was not until 1759 that the Rev. John George Friederichs regularly organized a congregation and became its pastor. This congregation for a while worshipped in the French Protestant Church. The corner-stone of a church was laid December 17, 1759. It was completed during the pastorate of the Rev. John Nicholas Martin, and dedicated June 24, 1764, as St. John's Church. From a translation of the old records it appears that the congregation solemnly declared its entire independence, was governed by a council and wardens, over whom the minister presided, and in whose meetings he was entitled to two votes, to be given after all the other members had declared their preference. All important business was referred to the congregation itself. The rules required that the pastor should have been trained and ordained in a Lutheran university, that "he should not be addicted to the English Articles," and that he should be called according to the custom of the German Protestant churches. At the same time he was forbidden to attack the doctrines of the Church of England. He wore the gown. Wafer bread was used in the communion, which was administered once every two months. The Festivals and the Gospels and Epistles

of the church year were observed. On Sunday afternoon the Litany was said after the sermon.[1]

The colonists who settled Orangeburg and Saxe-Gotha were Germans and Swiss, the first of whom came out during the year 1735; another party arrived a year later, but it was not until the next year, that is, in 1737, that their first pastor, Rev. John Ulrich Giessendanner the elder, came among them with another reënforcement of settlers. Emigrants from Germany continued to arrive and to proceed to Orangeburg until 1769. It has been doubted if these settlers, some of whom, the Swiss, came from the land of Calvin, were not tinctured at least with his doctrines, but Bernheim, the historian of the *German Settlement and Lutheran Church in the Carolinas*, maintains that they were not Swiss Reformers or Calvinistic in their faith, but Lutherans. The elder Giessendanner was a native of Switzerland, and it is believed was a Lutheran, but the evidence upon the point is not conclusive. He did not long labor among the people. He died about the close of the year 1738.

The first clergyman of the name was succeeded by his nephew, Rev. John Giessendanner, some time during the year 1739. He is said to have been "a man of learning, piety, and knowledge of the Holy Scriptures." He was probably educated for the ministry, but left Europe before he was ordained. It is curious that though a Lutheran in faith he first accepted ordination at the hands of the Charlestown presbytery, and after some years took Episcopal orders. He labored for ten years in the church at Orangeburg as a Lutheran, after which in 1749 he went to

[1] *German Settlements and Lutheran Church in the Carolinas* (Bernheim), 83 *et seq.* 206; *St. John's Evan. Luth. Ch., Charleston Year Book*, 1884 (Rev. E. T. Horn), 262; Ramsay's *Hist. of So. Ca.*, vol. II, 39.

London and was ordained by the Right Rev. Dr. Sherlock, Bishop of London. This change was probably made from a desire of more intimate connection with some ecclesiastical organization than was afforded by his own church. He died in 1761. Nothing is known of the congregation from his death until 1768, when a new Episcopal chapel was ordered to be erected, and the Rev. Paul Turquand preached there in connection with another congregation.[1]

In 1764 came out the colony of French Protestants under the Rev. Jean Louis Gibert, and settled at New Bordeaux, now Abbeville. Of the fact that these Huguenots had a regularly organized church and kept a baptismal registry there is no doubt, but it is not known that they had built a church prior to the Revolution.[2]

In the letter of June 1, 1710, which has more than once been referred to, the proportion that the several religious sects bore to the whole and to each other are represented to have been at that time, as we have seen, Episcopalians, $4\frac{1}{4}$ to 10; Presbyterians, including those French Protestants who retained their own discipline, $4\frac{1}{2}$ to 10; Anabaptists, 1 to 10; and Quakers, $.0\frac{1}{4}$ to 10.[3] This estimate was reprinted in 1732 with apparent application to that date, and it is curious that it is repeated in a description of Carolina in 1761.[4] Dalcho, however, quotes Oldmixon as giving the different religious denominations in Carolina in 1740, with this slight modification: Episcopalians, $4\frac{1}{2}$; Presbyterians, French, and other Protestants, $4\frac{1}{4}$; Baptists, 1; Quakers $.0\frac{1}{4}$ to 10.[5] The great immigration of

[1] *Hist. of the German Settlements, etc., in the Carolinas* (Bernheim), 118, 125.

[2] Anniversary Address (Moragne), 1854, 27.

[3] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 338.

[4] Carroll's *Coll.*, 193, 260.

[5] Dalcho's *Ch. Hist.*, 147; quoting *Hist. British Empire*, vol. I (2d ed.), 522.

Presbyterians from Ireland and Scotland, and of the Scotch-Irish who came in after that time, must have greatly changed this proportion.

Under the instructions to Governor Nicholson, as we have seen, the Bishop of London was authorized to grant licenses to teachers coming to Carolina. Many of the clergy of the Church of England came out as schoolmasters or tutors. The vice presidents and commissioners of the Provincial free school, in a memorial to the General Assembly, the 5th of November, 1767, reporting that the Rev. Mr. McCrallen, the master of the Provincial free school, had been appointed assistant minister of St. Philip's Church, and resigned the charge of the school, complain that this is not the first instance of a master quitting the school for an ecclesiastical benefice which affords a more comfortable maintenance, and that such frequent changes of masters were an impediment to the progress of the schools. Dr. Dalcho, in his *History*, gives a list of the clergy of the Church of England from the commencement of the colony to 1819, and from this it appears that of upwards one hundred and thirty-five who were in South Carolina previous to 1775, but five were ordained as residents of South Carolina, and not one a native of the province. It is remarkable that of such a number of men who were in a certain sense adventurers so little is known to their detriment. Indeed, we may say that as a class they were fully equal to the high calling of their profession. They can scarcely be said, however, to have been missionaries; they came to find established churches in most instances, and, for the times, well-provided benefices. It was to these clergymen, often masters from Oxford, that to a considerable extent was owing the high standard of scholarship and the classical taste of the generation of Carolinians who came upon the field during the

revolutionary period. It is remarkable, too, that most of these clergymen from England, not one of whom was a native of the province, sided with the people in their struggle with the government. Most of the Episcopal clergy in Carolina joined the colonists in the revolutionary struggle. Five only out of twenty-three resident in the province at the time adhered to Great Britain and left the country. The Rev. Robert Smith, afterward the first Bishop of South Carolina, shouldered his musket and amidst scenes of the greatest danger, both by precept and example, stimulated to intrepid resistance. Having been made a prisoner on the surrender of Charlestown, he was banished to Philadelphia. His name is first upon the list of those whose estates were seized by the military authorities published in the *Royal Gazette*, the 30th of December, 1780. The Rev. Mr. Lewis was a firm advocate of independence and indefatigable in promoting its accomplishment. Delivering a patriotic discourse on the text, "The Lord forbid that I should give the inheritance of my father unto thee," he became particularly obnoxious to the British commanders, and was sent to St. Augustine with the other patriots who were exiled there upon the fall of Charlestown, and there was separated from the others and condemned to solitary confinement. The Rev. Dr. Percy, who had come to America as one of Lady Huntington's missionaries, to officiate wherever he could collect an audience, took the side of the Revolutionists and preached to the troops whenever an opportunity allowed. He was the first orator who addressed the people on the anniversary of independence. The Rev. Dr. Purcell was equally firm in his principles, and acted as chaplain and Deputy Judge Advocate in the field. The Rev. Paul Turquand was a member of the Provincial Congress. The Rev. Mr. Warren of St. James, Santee, being on a visit to England, was

tempted by all the arts of persuasion and offers of liberal preferment to remain in England, but he returned to Carolina in 1778, and with unremitting zeal performed every duty and braved every danger to the conclusion of the contest.

The conversion of the Rev. William Hutson, his coming to Carolina, and his ordination as a minister of the Congregational Church constitute a most interesting story. Mr. Hutson, the son of a clergyman of the English Church, was born in England in 1720, and entered upon the study of the law in the Inns of Court, but having a great repugnance to the profession, and his father remaining firm in the purpose for which he had educated him, young Hutson deserted the parental roof and came to America. His little money was soon expended, and as a means of supporting himself he joined a strolling company of players. Mr. Whitefield was to preach on the evening preceding Mr. Hutson's début on the stage. Mr. Hutson attended and was completely carried away. He had, it was said, gone inclined to scoff but remained to pray.[1] So great was the change which he experienced that he went the next morning to Mr. Whitefield and consulted him whether he should appear on the stage as he had intended, expressing the greatest reluctance to do so. Mr. Whitefield advised that, as he had entered into an engagement with the company which had been announced to the public, he should comply with it, perform his part, and afterward leave the stage. Mr. Hutson did so, but his feelings were so painfully excited that he utterly failed

[1] The scene of this meeting between Mr. Whitefield and Mr. Hutson has been variously placed. Whitefield himself states that it was in New York. The tradition of one branch of the Hutson family is that it was in London, and of another that it was in Charlestown. (Howe's *Hist. Presb. Ch.*, 218.) Circumstances point to the latter as the most probable.

in the performance of his part. Destitute of the means of support upon leaving the company, Mr. Hutson, strolling about the Bay of Charlestown, attracted the attention of Mr. Hugh Bryan, the gentleman whose acquaintance we have already made in connection with Mr. Whitefield's career in South Carolina. Mr. Bryan, observing him in the faded garb of a gentleman, and conjecturing that he was a stranger and in need, accosted him and inquired into his condition and circumstances. Satisfied with his account of himself, Mr. Bryan proposed to him to accompany him to his residence and to assume the office of tutor for his children. Mr. Hutson did so, and became an intimate in Mr. Bryan's family, whose widow he subsequently married for his second wife. He was ordained as a Congregationalist minister in 1743, and for five years was minister of the Independent Church in Charlestown.[1]

A curious and interesting story connects the lives of two eminent Presbyterian ministers who came from Scotland to Carolina. The Rev. William Richardson and the Rev. Archibald Simpson were close college companions at the University of Glasgow. They were both of strongly religious characters and studied and communed together. Mr. Richardson was the elder and was graduated before Mr. Simpson. The latter kept a diary at the early age of fourteen, which he continued during his life,[2] and in which there are constant allusions to his friend "W. R." They spent their Saturdays in some retired spot beyond the noise of the city in acts of devotion. The two friends were brought up under the same ministry and the same influences. At the age of twenty-one Mr. Richardson came to America and landed in Philadelphia in 1750. After ministering in Virginia he was sent as a missionary

[1] Howe's *Hist. Presb. Ch.*, 248, 249, 264, 310.

[2] This Mss. diary is still preserved in the Charleston Library.

to the Cherokees in 1758; but upon their taking up arms, he was compelled to abandon that mission, and joined the presbytery in South Carolina. Mr. Simpson had come out to South Carolina in 1753 and was then ministering at Wilton on the coast. He enters in his journal, the 16th of April, 1759: "Dear old comrade W. R. came to my house. He was licensed and ordained by a presbytery in Virginia. Had gone some months ago a missionary to the Cherokee Indians, but finding no good could be done among them, as they were inclined to join the French, he has laid down his mission and accepted an invitation from a people at the Waxhaws about two hundred miles beyond Charlestown, is come down to join presbytery and accept their call, they being in our bounds." "Thus two college friends," says Dr. Howe, "that had studied and prayed together in Glasgow and had gone to the house of God in company meet in America and commence a ministry on these shores which was to be continued for years."[1]

Mr. Richardson was installed in charge of the Waxhaw Church in 1759, but his labors were not confined to that particular congregation. Indeed, for seventy miles around he seems to have extended his evangelical labors, visiting the people and gathering them in many instances into regular congregations and churches. The churches in Chester and York, and Pacolet church and Fair Forest are said to have been founded by him. It is said, too, to have been the spirit of those times that those who ministered at the altar should live of the altar, and that on Mr. Richardson's return from these itinerant tours he would bring with him a good deal of money. But Mr. Richardson, though a missionary, was a man of some considerable means, and as soon as he had settled at the Waxhaws, where he purchased lands near the church, he sent out to

[1] Howe's *Hist. Presb. Ch.*, 291.

England for his nephew and namesake, William Richardson Davie, then a child, whom he adopted and educated, and who, succeeding to his estate, upon his death in 1771, devoted it to the raising and equipping of a corps, with which he served in the Revolution. Under his careful training, says the Rev. Dr. Howe, Davie "became a great man in the age of great men,—a patriot, a soldier, a jurist, a statesman, and a diplomatist, whose abilities were admitted and whose services were acknowledged."[1]

The Rev. Joseph Alexander was another distinguished divine. He began to preach about 1765, at a house of worship on Brown's Creek, about four miles from the present site of the town of Union. This building was intended to be used in common by Presbyterians and Episcopalians. Hence the name given first to the church, and then to the town and county.[2] He became distinguished as a teacher. Many youths were educated by him in his academy at Bullock Creek in York County, and by Mr. Humphries at the Waxhaws. These Presbyterian clergymen performed an important part in preparing the men of that section for their duties in the great struggle which was approaching. The Rev. Mr. Alexander was an ardent patriot in the Revolution. So, too, Mr. John Harris, who ministered to the congregations at Ninety-six, in what is now Abbeville County, was bold, enthusiastic, and independent and peculiarly fitted for the stormy times in which he lived. He labored to stamp his own principles of Republican liberty upon others. It was his boast that every man in his congregation was a Whig; but they were surrounded by Tories. These devout worshippers often bowed before him on their arms, and a tradition asserts that he sometimes preached with his gun in the pulpit beside him and his ammunition suspended from his neck

[1] Howe's *Hist. Presb. Ch.*, 279, 290, 337, 338, 342. [2] *Ibid.*, 335.

after the fashion of the times.[1] Mr. McCaule, who first presided over the Mount Zion Society school, went with his flock to the camp and was by the side of General William Davidson when he fell on the banks of the Catawba by the rifle of a Tory.[2] Hewatt, the first historian of South Carolina, the pastor of the First Presbyterian Church in Charlestown, was a Royalist, together with most of his congregation, and left Carolina upon the commencement of the Revolution.

The influence of the clergy of the Congregationalist or Independent Church, "The White Meetners," as they were sometimes called, was entirely against the Royal government. The Rev. William Hutson, of whom we have spoken, "an eloquent preacher, an exemplary Christian, and an accomplished gentleman," under whom the congregation greatly prospered, died just as the differences between the colonies and the government at home began; but three of its ministers were to suffer for their principles,— two to be exiled, and the third, after taking a most distinguished part in the commencement of the struggle, was to die before it closed. The venerable Josiah Smith, the grandson of Landgrave Thomas Smith, earnestly espoused the cause, though his age and infirmities put it out of his power to render any active service; but so much was his influence feared that, upon the surrender of the city in the seventy-seventh year of his age, paralyzed as he was, he was ordered away from Charlestown and landed in Philadelphia, where he shortly after died. The Rev. William Tennent, a native of New Jersey, distinguished for his learning and piety, was called in 1772 to the pastoral charge of the church. At the opening of the Revolutionary War he took a strong position in favor of independence, and both by his words and pen aided the cause.

[1] Howe's *Hist. Presb. Ch.*, 439, 442. [2] *Ibid.*, 504.

He was sent with William Henry Drayton to arouse the spirit of resistance in the upper country; and on the 11th of January, 1777, delivered an address in the House of Assembly on the subject of religious liberty. This address has become historical. He died in the same year. After the death of Mr. Tennent, the Rev. James Edmonds kept the church open, and during the siege of the town a bomb-shell fell in the churchyard while he was conducting the service. Upon the surrender of the city Mr. Edmonds was arrested and sent on board the prison ship *Tartar*. The church building of the congregation was first used by the British as a hospital for the sick and afterward as a storehouse for their provisions, and then as a stable.

At the commencement of the Revolution the Rev. Mr. Hart of Pennsylvania had the pastoral care of the Baptist Church in Charlestown; he removed to New Jersey, but Richard Freeman, a young preacher, succeeded him. He was an ardent advocate of rebellion. Everywhere, on stumps and in barns, as well as in pulpits, he preached resistance to Britain. Pursued by the Tories, young Freeman fled to the American camp, and there by his prayers and eloquent appeals so reassured the patriots that Cornwallis was said to have remarked that "he feared the prayers of that godly youth more than the armies of Sumter and Marion."

The influence of the clergy as a whole was thus vastly on the side of the Revolutionists. The churchmen of the low country, the Presbyterians of the upper, the Congregationalists and the Baptists of the town, all threw their influence against the Crown; and their influence was very powerful in Carolina, for the people were generally a religious people.

We have remarked that almost all the clergymen from England sided with the people in their struggle with the

government; it is at least worthy of observation, too, that while in other colonies the churchmen were almost always Tories, the very reverse was the case in South Carolina. The leaders of the Revolution were almost all from the old St. Philip's Church. Christopher Gadsden, Henry Laurens, Charles Pinckney, Thomas Pinckney, Rawlins Lowndes, the Rutledges, the Middletons, William Johnson, John Laurens, father of Henry, and Daniel Cannon were all parishioners of the old church. James Parsons, Charles Cotesworth Pinckney, and Miles Brewton were from St. Michael's. Thomas Lynch and his son were parishioners of the church in Prince George, Winyaw, Thomas Heyward from St. Helena's, and William Henry Drayton from St. Andrew's. The great mistake the British made in the invasion of the upper part of the province was in supposing all the Scotch-Irish Presbyterians there were enemies to the Royal government because they were Dissenters, and the New England Dissenters had excited the war. On the contrary, as we have seen, those people had come too recently into the province to have become amalgamated in sentiment with those on the coast. They had not been consulted as to the movements there in the inception of the difficulties, and had no representation in the assemblies which had been quarrelling with Boone and Montague. But fortunately, says Judge Johnson, in his *Life of Green*, the British felt too confident in themselves or too much contempt for the enemy to act with moderation or policy. Amidst the infatuation of power and victory their commander appears to have forgotten that a nation may submit to conquest but never to insult. They seem to have forgotten also that religion, which looks to another world for its recompense, becomes the most formidable enemy that can be raised in this. As the Dissenters of New England had the reputation of having excited the

war, Dissenters generally became objects of odium to the enemy. Hence their meeting-houses were often burnt and destroyed. The Independent Church in Charlestown had, we have seen, been used as a stable; in the Waxhaws the minister was insulted, his house and books burnt, and war declared against all Bibles which contained the Scotch version of the Psalms. Thus it was that they revived in the upper country the struggle they had practically crushed on the coast, and enlisted in behalf of independence the exertions of some of the ablest and most devout of the Presbyterian clergy.

CHAPTER XXIV

In his *History of South Carolina under the Proprietary Government* the author has pointed out that there is no record of any lawyer in the province until the advent of Nicholas Trott in 1698.[1] The names of but six others besides Trott who practised during the Proprietary government have come down to us, viz. William Sanders, Attorney General, 1708–10; George Evans, Attorney General, 1710–16; Richard Pindar and George Rodd, Attorney Generals after Pindar; Richard Allein, Attorney

[1] The author's statement in his volume on the Proprietary government that it is not known that there was a single professional lawyer in the province prior to the coming of Nicholas Trott, and that during the Royal period judicial offices were often held by laymen, has been questioned (*The Virginia Magazine of History and Biography*, October, 1898, 222, Book Reviews). But no such professional lawyer has been mentioned by the Reviewer, and until some one is found the author must adhere to his opinion that there were none. The Reviewer has probably been led astray by his failure to observe the difference between an *attorney in fact* and an *attorney at law;* the former being mere agents appointed in each instance by deed for the transaction of general business. There are many such appointments in the Miscellaneous Records in the Probate Office at Charleston, but attorneys so appointed were not lawyers. In new settlements of the professions, the physician usually appears first, then the clergyman, then the lawyer. The latter does not appear until the country is more or less settled and courts are organized. The provision of the Fundamental Constitutions prohibiting any one from pleading for fee or reward was a special barrier to the coming of lawyers to South Carolina. That during the Royal period judicial officers were often held by laymen is a notorious fact, numerous instances of which appear in this volume, and was, we shall see, the subject of comment and discussion at the time — a matter entering into the politics of the Royal government.

powering the Governor to nominate assistant justices, and that under it Governor Johnson had granted commissions to Thomas Dale and Thomas Lamboll, persons entirely ignorant of the law, who assumed to overrule him whenever they thought proper.[1] The act referred to by the Chief Justice was no doubt that of which we have spoken in the first chapter as passed by the revolutionary legislature under Governor James Moore, and which, though approved and allowed by neither Proprietors nor King, Governor Glen wrote was affected to be called the Magna Carta of Carolina.[2] As we have said, there is no copy of it in existence. The Chief Justice was a salaried and feed office. The assistant judges served without pay or emolument of any kind, simply for the honor of the position and the good of the community, as did the Magistrates in England. The officers of these courts, with the exception of the assistant judges, were appointed by his Majesty the King; the assistant judges, until the act of 1769 establishing circuit courts, which did not, however, go into effect until 1772, were appointed by the Governors. The other officers were the Attorney General, the Clerk of the Court, and the Provost Marshal or High Sheriff, who had royal patents or commissions for their offices. Of the last we shall have occasion later to give a more particular account.

During the Provisional government, which continued for ten years after the overthrow of the Proprietors (1719–1729), dual sets of these officers were appointed: one by the King under his Provisional government, while negotiations were going on for the surrender of the charters, which were not yet consummated, and which set actually held and administered the offices; the other by the Lords Proprietors, who made appointments by way of the assertion of their

[1] *Coll. Hist. Soc. of So. Ca.*, vol. III, 304. [2] *Ibid.*, vol. II, 309.

right to do so, though their appointees could not exercise the powers of their offices. Thus, abandoning Trott, they appointed Thomas Kimberley of the Middle Temple Chief Justice in 1724,[1] and Robert Wright in 1727.[2]

Upon the overthrow of the Proprietary government it will be recollected Richard Allein, the Attorney General who had joined in the memorial against Trott, was chosen by the Assembly as Chief Justice and allowed a salary of £800 currency per annum; and he having been made President of the Council, Francis Yonge, a layman, was chosen to succeed him, and held the office until superseded by Charles Hill under Nicholson's government.

Though these had occupied the position of Chief Justice during this time, Trott had by no means given up his claim to the office. He was still in England trying to induce the new government to print his collection of laws; but in this he was thwarted by President Middleton, who wrote to Governor Nicholson, then in England, May 4, 1727, declaring the proposal unreasonable, and that "he would never give in to it."[3] This was a great mistake on the part of the new government. Whatever were Trott's faults, his ability for such work was beyond question, and his collection of laws afterward published remains to this day a memorial alike of his wisdom and industry and of the littleness of party spirit which refused so long to give the province the benefit of his great work. On the 6th of September, 1728, Trott writes to the Bishop of London concerning his progress upon a work — "his *Explication of the Hebrew Text of the Old Testament* — and makes proposals for procuring subscriptions and printing said work; prays him to use his interest with the King that he again be restored to his office of Chief Justice of South Caro-

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 196.
[2] *Ibid.*, 198. [3] *Ibid.*, 243.

lina."[1] But abandoned and forgotten by the Proprietors, he was not taken up by the King, and, as we have seen, returned to Charlestown, where he lived in retirement but busy upon his *Explication*, until his death in 1740.[2]

During the temporary government of Sir Francis Nicholson, Charles Hill was Chief Justice from 1722 to 1724; Thomas Hepworth from 1724 to 1727, and Richard Allein again from 1727 to 1730. Then followed the arrangement of which we have spoken, by which the Royal government accepted Robert Wright, who had been appointed by the Proprietors upon his surrender of the doubtful life tenure under them for one *durante bene placito* under the Crown. Of Chief Justice Wright's character and of his firm maintenance of the independence of the bench and bar against the encroachments of the legislative branch of the government, we have already treated at some length in a previous chapter. The struggle was one of great importance in the settlement of the powers of the different departments of government, legislative, executive, and judicial, and South Carolina may well be proud to-day that her Chief Justice is entitled to a place beside Holt for the ability and courage with which they asserted and maintained the independence of the judiciary.

[1] *Coll. Hist. Soc. of So. Ca.*, vol. I, 245.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 694. The statement by the author that this Nicholas Trott had formerly been Governor of the Bahama Islands before coming to Carolina, in his volume on the Proprietary government, was made upon the direct and positive statement of Oldmixon, who was not only a contemporary but in a position particularly to know the truth. (Carroll's *Coll.*, vol. II, 421.) Hewatt apparently adopted Oldmixon's statement (*Ibid.*, vol. I, 125). The author has been convinced, however, that Oldmixon's statement is incorrect. The power of attorney mentioned by the author in his work on the Proprietary government at page 387 is conclusive upon the subject. The Nicholas Trott who was Governor of the Bahama Islands was the one known as Nicholas Trott of London.

Upon the death of Chief Justice Wright in 1739 Lieutenant Governor Bull (the first) gave a special commission to Thomas Dale, the lay assistant judge of whom we have just seen the Chief Justice complaining, to hold the Court of Sessions *pro hac vice*, as a sufficient number of the Council could not, on account of the smallpox then in the town, be assembled.[1] On the 7th of November following, the Council met, and Benjamin Whitaker, the Attorney General, was appointed by the Lieutenant Governor and Council *ad interim* until his Majesty's pleasure could be known.[2] Chief Justice Whitaker's appointment seems to have been confirmed by the Royal government, though we have found no record of it. Governor Glen, nine years after, complains to the Duke of Bedford, that Mr. Whitaker, the Chief Justice, has been for several years so infirm by an apoplectic and paralytic disorder as to be unfit for the post. He had given him leave of absence to go to Europe for a year to recruit his health; he, however, stayed two, and returned worse than when he left. His Excellency goes on to say that the Chief Justice had not notified him upon his return, but had carefully avoided meeting him; that, in addition to this, his behavior had been resented by all ranks, and the Council had voted his post vacant and advised him to appoint James Graeme, which he had done; Mr. Graeme had practised the law for many years, about eight years since had been appointed Judge of the Vice Admiralty Court, and was a steady supporter of his Majesty's administration: his appointment would give universal satisfaction.[3] But Chief Justice Whitaker could not be gotten rid of so easily. It was not until 1751 that he was superseded by

[1] *So. Ca. Gazette*, October 24, 1739.

[2] *Ibid.*, November; *Coll. Hist. Soc. of So. Ca.*, vol. II, 273.

[3] *Coll. Hist. Soc. of So. Ca.*, vol. II, 304.

Graeme.[1] Chief Justice Graeme did not live a year after his appointment; he died on the 7th of September, 1752.[2] Then followed the interesting episode of the appointment of Mr. Charles Pinckney by the Governor and Council, and his supersedure by the Royal government to make room for Mr. Peter Leigh from London, a full account of which we have already given.

On the death of Chief Justice Leigh on the 21st of July, 1759, James Michie held one term by the appointment of the Governor and was succeeded by William Simpson, Clerk of the Court, another who was not a lawyer.[3] These appointments were but temporary; but the next, from the home government, was an infamous one. Mr. Leigh, whatever were the circumstances under which he came, was a gentleman and a lawyer; Charles Shinner, who succeeded him, was a vulgar bully and blackguard, and had not the redeeming quality of the least professional education. Shinner was sent out as Chief Justice in 1762, through the influence, it was said, of the mistress of Lord Halifax, who was then at the head of the Board of Trade and Plantations.[4] "I do not wonder that the province was dissatisfied with their Chief Justice," wrote Cumberland, Clerk of the Board and Provost Marshal of South Carolina, to his deputy, Roger Pinckney; "for the little I saw of him did not give me advantageous impressions."[5] A writer in the *St. James Chronicle* is more explicit, and while giving a different account of the influence through which he was appointed, thus describes the man who was sent out as Chief Justice of South Carolina.

[1] *So. Ca. Gazette*, October 3, 1751.
[2] *Ibid.*, September, 1752.
[3] *Ibid.*, July 25, 1759; Johnson's *Life of Green*, vol. I, 256, note.
[4] Johnson's *Life of Green*, *supra*.
[5] *Documents connected with So. Ca.* (P. C. I. Weston), 112.

He says Shinner was an Irishman of the lowest class, with no better education than is usually given to qualify one for the meanest mechanical trade. And to such a trade Shinner had indeed been brought up, but had quitted it as too confined for his enterprising genius, and had risen through a series of those various shifts and changes which checker the lives of needy adventurers to the respectable office of messenger to carry backward and forward for hire between the courts of England and Ireland Bills and Answers in Equity which had to be authenticated. Having had the good fortune to render some service to a lady who was engaged in a lawsuit in Ireland, she recommended him to her brother, then in a high office. The complacent brother, after considering for some time what could be done for the vulgar, illiterate ignoramus, unfit for any place of credit at home, thought proper to send him as Chief Justice to one of the principal colonies of America to sit in judgment on the fortunes, liberties, and lives of his Majesty's subjects there.[1]

With this introduction of the Chief Justice it is not surprising that we have this account of his judicial career in South Carolina. On the 9th of April, 1767, Christopher Gadsden reported from a committee appointed by the General Assembly to inquire into the state of the courts of justice, that from the testimony, common observation, and the notoriety of the subject, the Chief Justice was a person wholly unacquainted with the common law, acts of Parliament, or acts of Assembly of the province; that his conduct manifested such ignorance as to show him to be utterly unfit for a place of so much consequence. The report of the committee gives some instances of his misconduct; one of these was his sending to jail without warrant or mittimus a wagoner, because, as he alleged, the wagoner

[1] *So. Ca. Gazette*, May 6, 1766.

had smacked his whip as the Chief Justice was passing along in his chaise, and had frightened his honor's horse. Another was his carrying to jail with pistol in hand one William Smith, and personally delivering him to the jailer, likewise without warrant or mittimus, because, as he alleged, Smith had threatened the life of one Elizabeth Brown with whom the Chief Justice was living. The report went on further to state that to cover up this matter he had endeavored to induce the jailer, one Dunnovan, to abduct Smith and to smuggle him off in a vessel about to sail, and then to put the blame of his doing so upon one O'Brien, an attorney, whom Shinner had living with him. But Dunnovan, upon whose complicity the Chief Justice had relied, — because he was a fellow-countryman, — betrayed him and handed the letter to Mr. Pinckney, the Provost Marshal. The report also charged that he behaved in court with the utmost ludicrousness and indecency. Once, having had a party brought into the Admiralty Court, he called him "a damned rascal" from the Bench. Upon another occasion he expressed the hope that he would have an opportunity of passing sentence of death upon certain parties before him. He seldom failed, the report stated, to attend the execution of his own sentences imposing corporal punishment on criminals, strolling about the streets with the attending mobs, and acting a part on such occasions, the committee say, beneath the character even of an executioner. To this report the Chief Justice made an ingenious and elaborate reply, which, if written by himself, showed him to be a man of some parts and belied the charge of want of education. But it is not improbable that this paper, as well as a very able one in regard to the Stamp act, which we shall have occasion to consider, were prepared for him by some one else. However that may be,

though he endeavored to persuade his Excellency Lord Charles Montague, the Governor, that the whole charge was a device of the "Liberty Boys" to avenge themselves upon him for doing his duty to his Majesty in the matter of the Stamp act, he made no impression upon the Governor, who suspended him until his Majesty's pleasure should be further known.[1] This man was Chief Justice during the important period of the struggle over the Stamp act. We shall have to tell of his conduct upon that occasion.

The *Gazette* of the 15th of June, 1769, announces that a mandamus[2] for the appointment of Mr. William Wragg as Chief Justice had arrived. This appointment was no doubt made in recognition of Mr. Wragg's unwavering loyalty and devoted support of the government, not only in regard to the Stamp act and in opposition to the non-importation agreement, but on all the questions which had arisen between the government at home and the people of the colony, and except that Mr. Wragg was not a lawyer,— a circumstance about which, as we have seen, the government was not very particular,— upon no person could the high honor have been more worthily bestowed. The office was offered and even pressed upon Mr. Wragg by the Secretary of State, upon the express command of his Majesty King George the Third. His reasons for declining are, as Dr. Ramsay says, a proof of his disinterestedness and delicacy. He had openly, for reasons publicly given, refused to sign the association entered into by many of his people to suspend the importation or purchase of manufactures till the impositions of the British Parlia-

[1] *House Journal* (MSS.), Book 37, 351.

[2] The writ or commission by which a Chief Justice was appointed was styled a *mandamus*, *i.e.* a precept commanding that the person named be recognized and obeyed as Chief Justice or other officer.

ment were removed. It was after he had adopted this decisive line of conduct that, without his knowledge, the commission of Chief Justice had been sent to him. He returned it, giving for reason that no man should say that "the hope of preferment had influenced his preceding conduct." The next issue of the *Gazette* announced that Mr. Wragg declined the appointment, adhering to his purpose of retiring from all public affairs. This, however, we shall see was impossible for one of his position to do in the coming stormy time; and he was to perish at sea, exiled from his native land and home.

Upon the assumption of government by Lord North in 1767 the affairs of the colonies were taken from the Board of Trade and intrusted to Lord Hillsborough as Secretary of State. His Lordship, who was an Irishman, vacated many existing commissions in the colonies to make room for his Irish dependents. In South Carolina Shinner's removal, and Mr. Wragg's refusal to take the office, saved him the trouble of vacating a commission, and the new Circuit Court act, which had at length gone into operation in 1772, afforded him three more paid offices on the Bench to be filled by his favorites. The last Chief Justice to sit under English rule was Thomas Knox Gordon, a lawyer of Dublin, who was appointed by Hillsborough in the latter part of 1770, but he did not take his seat until 1771. His commission did not constitute him Judge in Admiralty, as had been the case of some other of the Chief Justices. The assistant judges sent were Edward Savage, John Murray, and John Fewtrell; one of these, we are told, was a Scotchman, another a Welshman, the third we suppose was an Englishman.

These great abuses in the administration of the law; the use of the Bench as a place of reward for partisan services in England; strangers thus appointed even to the

displacement of natives of the highest character and ability; the appointment of a vulgar, ignorant bully as Chief Justice, for the gratification of a mistress of a secretary; the monopoly of the office of Provost Marshal or High Sheriff by one person for the whole province, and that as a sinecure for a non-resident; the monstrous requirement, as we shall see, that the colony must pay this absent sinecurist an enormous sum for the right to provide its own courts with officers to execute their decrees; the administration of judicial offices such as that of a Court of Admiralty by a practising attorney,—all constituted just grounds of complaint against the government in England, which had much to do with the alienation of the affections of the people. And yet it is remarkable that these great abuses are not relied upon, or even alluded to, in the State papers of the times that we have been able to find, except in one instance.

In a letter written by William Henry Drayton over his usual signature, "Freeman," addressed to the deputies of North America assembled in Congress in Philadelphia in 1774, stating the grievances of America, one of these peculiarly affecting this province is thus presented. . . . "A few years ago the bench of justice of this colony was filled with men of property, and if all of them were not learned in law there, some among them who taught their brethren to administer justice with public approbation, and one of them in particular, had so well digested his reading — although he never eat commons at the Temple — that he was without dispute at least equal to the law learning of the present Bench."

This encomium of the lay assistant judges was most justly deserved. Such men as Joseph Wragg, Isaac Mazyck, Rawlins Lowndes, Robert Pringle, Benjamin Smith, and George Gabriel Powell gave character and

dignity to the Bench which more than compensated for their want of professional training. The opinion of Rawlins Lowndes, to whom Mr. Drayton referred in the last sentence quoted, that ordering the release of Thomas Powell, the printer, arrested by the order of Sir Egerton Leigh as President of the Council, of which we shall have to tell hereafter, justifies Mr. Drayton in his estimate of Mr. Lowndes's legal ability. Mr. Lowndes, however, though not a regularly bred lawyer, had been Provost Marshal from his youth, and so connected with the administration of the law for many years. Thus he had been at a better school than the commons in the Temple, the school of the Bench, the best of all schools if one has but the patience and capacity to give attention and learn there.

We have mentioned that the office of Judge of Admiralty was filled by Sir Egerton Leigh just before the Revolution. Sir Egerton was the only son of Chief Justice Peter Leigh. He was a monopolist. He held the various offices in the province, of Attorney General, Surveyor General, Judge of Admiralty, and member of Council, and was created a Baronet in 1772. He was a man of learning and ability, but certainly not fitted for the judicial position which he occupied, and from his temper was one least fitted to combine the dignity of the Bench with a suitable conduct in the daily affairs of the bar, while at the same time practising as Attorney General. His intimate friend, Colonel Henry Laurens, considering himself aggrieved by a judicial decision of Sir Egerton, adopted the unwise and improper course of publishing a pamphlet calling the judgment in question. Instead of treating this attack upon his judicial conduct as a contempt of court, or passing it by in dignified silence, Sir Egerton, with still greater impropriety, an-

swered it in another pamphlet, entitled *The Man Unmasked*, the forthcoming of which was advertised in the *Gazette* of the day in conspicuous type and with flaming notices. The answer thus heralded was a most wanton and scurrilous attack upon the character of Colonel Laurens. Colonel Laurens replied and distributed copies of the correspondence, not only throughout the American colonies, but in England and the West Indies. The publications compelled Sir Egerton to resign either his seat on the Bench or his commission as Attorney General. In this dilemma between station and profit he resigned his seat as Judge in Admiralty. This controversy contributed its part in estranging the people from the government at home.

We find Sir Egerton also intervening to embarrass the General Assembly in their endeavor to establish courts in the upper part of the province, for which there was so much need, and for which the people of that section were memorializing and petitioning the General Assembly. Upon the passage of a bill establishing Circuit Courts, on the 5th of January, 1768, he presents a memorial to the Assembly setting up his patent from the King for the office of Attorney General, which granted him the enjoyment of all salaries, allowances, fees, profits, privileges, and emoluments thereunto belonging in as full a manner as any other person had theretofore held and enjoyed them, and prays therefore that his right in the matter shall be regarded. A motion was made in the Commons to take care of these vested rights by allowing salaries for himself and the clerk, Dougal Campbell, who had also set up a patent for his office; but, as we are not sorry to have to record, it was passed in the negative.

Though, as the Fundamental Constitutions of Locke were not adopted, the prohibition against counsel in Carolina receiving money or reward for pleading another's

cause was never of actual force, at least some of its chivalric spirit had impressed its influence upon the profession in the province; for in the earliest minutes we have of the Council sitting as a Court of Chancery, the 17th of December, 1724, we find this curious order: —

"Upon reading the Petition and affidavits of Joseph Scott and Anne his wife preferred to this Court, setting forth that he is a very poor man and not worth £5 in the whole world, and therefore praying that he may be admitted *in forma pauperis* to commence suit in this hon^ble^ Court against Daniel Fidding & others for divers, unjust, and collusive dealings with the petitioner and that council may be assigned him; and Mr. Whitaker thereupon moving the Court in the Petitioner's behalf, the Court doth grant the prayer of the petitioner and doth assign Mr. Whitaker to be of council accordingly."

It is still customary with us, it is true, for the court to assign counsel to advise and defend a person charged with crime, if without the means of retaining one; but this duty is usually assigned to some young lawyer. But here we find the court assigning its most distinguished counsel, the Attorney General, who was in a few years the Chief Justice, to defend the cause of the poor and the oppressed.

In these minutes we find the names of Robert Hume, Thomas Ellery, Richard Allein, William Blakney, —— Carrington, Henry Hargrave, Thomas Kimberly, David Graeme, John Lewis, and James Wright as the counsel, who, with the Attorney General Whitaker, appear to have had the business of the court for the first years of the Royal government. It was during this period that the name of Pinckney takes a place in the history of South Carolina, which it has never since lost. Charles Pinckney, of whom we have spoken, was, we believe, the first native lawyer in the colony. He became Attorney General in 1736, and, as we have seen, filled the position of Chief Justice for a short time — a position from which he was

removed to make place for an Englishman for whom the government at home had to provide. Soon after he was removed from the Bench he sailed for England with his family for the education of his sons, Charles Cotesworth and Thomas, who were to add so much lustre to a name he had already distinguished. He took with him also, to be educated with his sons, another lad, who was to be scarcely less known in the history of the State, William Henry Drayton, the first Chief Justice under the government of the State of South Carolina. His nephew, Colonel Charles Pinckney, was also a lawyer of great distinction, one of the leaders in the Revolutionary movement and President of the Council.

Another historic name to be closely associated with that of Pinckney appears about this time. Andrew Rutledge, with his brother, Dr. John Rutledge, natives of Ireland, arrived in Carolina, as we have seen, in the years 1730–1735. They practised the one the law and the other medicine. Dr. John Rutledge, as already mentioned, was the father of the remarkable trio of sons, all lawyers. Andrew Rutledge died in 1755 without issue; but he most favorably introduced the name of Rutledge into the affairs of the colony. In three years after his arrival we find him appointed by Lieutenant Governor Bull Adjutant General upon the organization of the militia upon an expected invasion by the Spaniards. In 1740 he appears before the ecclesiastical court held in St. Philip's Church in behalf of George Whitefield, who was there arraigned upon articles preferred against him by the Rev. Commissary Garden, and supports the exceptions of Whitefield to the jurisdiction of the court as constituted by the Commissary. He was Speaker of the House of Commons in 1750, 1751, and 1752.

Another who rose to distinction at the bar and in the

affairs of the colony during this period was Peter Manigault. Mr. Manigault was educated in England and called to the bar there and rode his circuit before returning to South Carolina to practise. He always signed himself "Peter Manigault, Barrister of the Inner Temple." He was Speaker of the Commons during the struggle in regard to the Stamp act and the controversy with the Governor and Council about the contribution to the Wilkes's fund. The last House over which he presided was that called by Lord Charles Greville Montague at Beaufort.

With the prosperity of the province legal business greatly increased, and though admission to the bar was rarely conferred on any other than regularly bred lawyers who had attended their terms at Westminster, in the twenty-seven years immediately preceding the Revolution fifty-eight gentlemen were added to the roll of attorneys and counsellors.[1] In a list of the Americans admitted as members of the Inns of Court in London in the twenty-five years from 1759 to 1786 recently published, South Carolina contributes more than any other State.[2] Out of

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 159.

[2] The following are the South Carolinians: —

Middle Temple. C. C. Pinckney, John Mathews, 1764; Paul Trapier and Thomas Lynch, 1767; Alexander Moultrie, Richard Shubrick, Philip Neyle, James Perroneau, 1768; William Oliphant, John Faucheraud Grimké, 1769; William Ward Burrows, William Hayward, John Laurens, 1772; Richard Berresford, Charles Pinckney, Thomas Shubrick, Henry Nicholas, John Julius Pringle,[a] 1773; Benjamin Smith, William Smith, 1774; William Simpson, John Parker, Hext McCall, 1775; Charles Bull, 1776; James Smith, Joseph Manigault, Daniel Horry, 1781; Peter Porcher, John Gaillard, Theodore Gaillard, Archibald Yonge, 1782; Thomas Simons, William Mazyck, 1783; George Boone Roupel, Henry Gibbs, 1785; William Allen Deas, 1786.

Inner Temple. John Perroneau, 1772.

Lincoln's Inn. Francis Kinloch, 1774; William Walton, John Stuart,

[a] John Julius Pringle's bond as a fellow, now before us, shows that he was a member of *Lincoln's Inn.*

114 names on this list, there are 46 Carolinians, 20 Virginians, 15 Marylanders, 3 Georgians, and 1 North Carolinian, making 85 Southerners, three-fourths of the whole.[1] These figures are significant as indicating how much closer were the relations of the people of the Southern provinces to England than those of the Northern; especially it will be observed that this was the case with the South Carolinians. Each of these young gentlemen had to find security in London upon his bond for dues to the Society of the Inn in which he matriculated, which in itself implied a close correspondence between the two communities. In George the Second's time it was said a young Templar expected his father to allow him £150 a year, and on encouragement would spend twice that amount in the same time.[2] We may be sure that these young gentlemen, who perhaps had something to do with forming Richard Cumberland's idea of the typical West Indian[3] or American, expected no less an income from their fathers in the reign of George the Third.

In a letter of Peter Manigault to his father in Charlestown, from London dated the 26th of February, 1754, upon his being called to the bar of the Inner Temple at the last Hillary term, the expense upon the occasion is given as £50 sterling, including gown, tye, wigg, and bands. This allowance, together with the expense of the voyage to and from England, formed, it may well be supposed, a considerable drain upon the people of Carolina, attention to which began to be drawn.

1775; Robert Williams, Gabriel Manigault, 1777; Alexander Garden, 1779; Thomas Bee, 1782.

[1] *Hist. of Higher Education in So. Ca.* (Colyer Meriwether), U. S. Bureau of Education, 1889, 25, 26.

[2] *A Book about Lawyers*, Jefferson, 297.

[3] *The West Indian*, a comedy by Richard Cumberland, 1771.

The return of these young gentlemen to the province had much to do with the encouragement of the spirit of revolution which had already arisen in other classes in the community. Scattered amidst the various seminaries of England as they had been before entering the Inns of Court, they inbibed at these vigorous fountains of knowledge the invincible spirit which afterward enabled them, both in the Council and in the field, to combat with success her attempt at their subjugation. It was, moreover, a circumstance of great influence upon the conduct and life of these young men, that most of them when they left home were recommended to the patronage and kindness of the great Whig families in England, and many of them to the most distinguished peers in the British Parliament, who were at that time conspicuous for their opposition to the ministry and for devotion to the cause of the colonies.[1] In an admirable letter of advice and instruction written by John Rutledge to his younger brother, Edward, upon his going to England to pursue the study of the law, he charges him to exert himself to the utmost by some means or other to attend the House of Commons constantly, or at least whenever anything of consequence was to come on. He warns him he will not be suffered to take notes, but he must get in by some means. Probably Mr. Garth, the agent for South Carolina, would help him. He writes: —

"Don't say that they have come to a resolution not to admit strangers and by that means you could not get in. . . . I know it is a common order to clear the galleries, but that people generally fall back and no notice is taken of them; for you must at all events get admittance there and make yourself acquainted with the speakers. Reading lectures upon oratory will never make you an orator. This must be obtained by hearing and observation of those who are allowed

[1] Sanders's *Lives of the Signers of the Declaration of Independence*, vol. V, 16.

to be good speakers — not of every conceited chap who may pretend to be so. I would also have you attend the House of Lords upon every occasion worth it. You will find you may easily get introduced to some Lord who will take you in with him, and by no means spare a few guineas at Christmas among the door keepers, etc., for that I warrant will do the business."[1]

Thus through the patronage of the Whig Lords and a few of the guineas which their fathers' rice and indigo afforded, these young gentlemen crowded the galleries of the Commons, we may be sure, when the Stamp act, "The folly of England and the Ruin of America," was to be discussed by the silver-tongued Murray, afterward Lord Mansfield, the most graceful, luminous, and subtle of all legal speakers, as he was described; by Fox with his clear, strong sense, his indomitable courage, and his admirable tact; and, best of all, by the elder Pitt, possessing, as it has been said, every personal advantage that an orator could desire, a singularly graceful form, a voice of wonderful compass and melody, which he modulated with consummate skill, an eye of such piercing brightness and such commanding power that it gave an air of inspiration to his speaking and added a peculiar terror to his invective. We may be sure that they were there in the galleries catching every word as, in reply to Grenville, Pitt exclaimed: "I rejoice that America has resisted. Three millions of people so dead to all feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest." They were there, no doubt, to hear the great debates over Wilkes and "No. 45 North Britton" and his expulsion and reëlection to the House, and very possibly added a few shillings of their own to the pounds their fathers were smuggling through the tax-bills at home in spite of the Governor and

[1] O'Neall's *Bench and Bar of So. Ca.*, vol. II, 120.

Council, and which Peter Manigault, as Speaker, and Messrs. Gadsden, Rutledge, Parsons, Ferguson, and Dart were sending to England avowedly to be applied to an association for the maintenance of the constitutional right and liberties of the people of Great Britain and America, but which were to be applied, as they must very well have known they would be, to Wilkes's own private debts and expenses. These young gentlemen studying law in the Temple — "Templars," as they were called — no doubt took the denunciation of the ministry and the declarations of devotion to the American cause all in earnest, without, perhaps, the limitation Pitt himself would certainly have put upon them, to wit, provided the fight was to be made within the Kingdom of England and not for independence. They did not realize, as their fathers at home did, that the fight in England was all party politics there, nor imagine that when in the course of events the colonies should think that, having gone so far for liberty within the Kingdom, they would take the next inevitable step to secure their independence as well, that Chatham, wrapped in flannel and supported on crutches, would have himself carried to the House of Lords to make his last and actually dying speech against the withdrawal of the English forces by land and sea from the revolted colonies, and with something of his old fire protest "against the dismemberment of this ancient and most noble monarchy." Was it nothing more than an unmeaning coincidence that a British cannon-ball should knock off the outstretched arm of the statue representing Chatham pleading for their liberties, which the Assembly of Carolina had procured and the people had raised in Charleston with wild hurrahs?

These young gentlemen returning home burning with a sense of the wrongs, as they had heard them described by Pitt and Burke and Barré, stirred with ambition to

rival the great orators and statesmen to whom they had listened, and finding all places of distinction and honor filled by favorites of the Board of Trade or Secretary for the colonies,— some of worse than questionable characters, — to the exclusion of the natives of the province, and naturally wishing for a government and Parliament of their own, in which they might have some opportunity of imitating and perhaps equalling the great men at Westminster, eagerly listened to the calls of the artisans and mechanics who, under Gadsden's lead, were already on the road to revolution.

It has been said that the bar may be considered a very fair exponent of the educated opinion of a people.[1] In 1775 there were thirty-five members of the bar in South Carolina. In numbers these were very nearly equally divided upon the questions which were agitating the colonies; but on looking over the list it is clear that the highest character and ability were with the revolutionary party. James Parsons, Charles Pinckney, John Rutledge, John Mathews, Hugh Rutledge, Charles Cotesworth Pinckney, Thomas Heyward, Jr., Alexander Moultrie, and Edward Rutledge doubtless composed the greatest strength of the bar. But James Simpson, the Attorney General, William Burroughs, the Master in Equity, and Sir Egerton Leigh were lawyers of large practice and great ability. If, as has been said, the "giants of the law" in the other colonies were nearly all Loyalists,[2] it was not so in South Carolina. It is true that Charles Pinckney and John Rutledge were opposed to a separation from the mother country; that their desire and struggle was for the overthrow of "the wicked ministry" of Lord North, and then a reconciliation with the King. It

[1] Lecky's *Leaders of Public Opinion in Ireland*, 136.
[2] *Am. Loyalist* (Sabine), 52.

is true, too, that Charles Pinckney took protection when the British obtained possession of South Carolina, and that John Rutledge proposed a neutrality for South Carolina. But however much they may have been opposed to the *independence* of the colonies, as distinguished from the maintenance of their rights and liberties, it is safe to say that without them and the younger members of the bar there would have been no Revolution in South Carolina, notwithstanding all the efforts of Christopher Gadsden.[1]

[1] *List of Attorneys Court of Common Pleas 1775, and dates of Commission.*[a] James Simpson, Esq., Attorney General, October 30, 1765; William Burrows, August 29, 1748; James Parsons, May 11, 1750; Charles Pinckney, July 22, 1752; Robert Williams, Jr., March 26, 1753; Hon. Sir Egerton Leigh, Bar't, November 1, 1753; John Troup, August 6, 1754; John Remington, August 10, 1756; James Simons, January 7, 1760; John Rutledge, Jr., January 2, 1761; Joshua Ward, January 5, 1761; Benjamin Guerard, January 9, 1761; Thomas Bee, January 27, 1761; William Mazyck, November 4, 1761; Thomas Grimball, June 11, 1765; William Mason, October 30, 1765; John Mathews, September 22, 1766; John Colcock, February 12, 1767; Charles Motte, May 28, 1767; Hugh Rutledge, January 20, 1768; John Bremar, May 10, 1768; John Scott, Jr., April 4, 1769; Charles Cotesworth Pinckney, January 19, 1770; Thomas Heyward, Jr., January 22, 1771; William Roper, April 2, 1771; Thomas Phepoe, June 5, 1771; Alexander Harvey, August 24, 1771; Henry Pendleton, November 1, 1771; John Dart, November 28, 1771; Alexander Moultrie, March 18, 1772; James Johnston, May 20, 1772; Edward Rutledge, January 28, 1773; Robert Ladson, February 26, 1773; Jacob Read, March 23, 1773; William Print, December 18, 1773; Charles Lining, May 12, 1774; Richard Howley, August 12, 1774.

[a] This list is taken from an Almanac for 1775 in possession of the late Daniel Ravenel, Esq. The dates are of their commissions to practise at the South Carolina bar. The dates of their admission to the bar in England will be found at *ante*.

CHAPTER XXV

We have seen that under the Proprietary government the subject of education had received considerable attention; that prior even to 1710 the people of South Carolina had conceived and attempted the establishment of a free school, and that several legacies had been left for the purpose; that in 1711, with the aid of the Society for the Propagation of the Gospel, they had established a school which they so called under the care of the Rev. William Guy, A.M., assistant to the Rector of St. Philip's; that in 1712 the Assembly had passed "*an act for the encouragement of Learning*," which within the year, however, had given place to a more elaborate system enacted under the title of "*An Act for Founding and Erecting a Free School in Charlestown for the use of the Inhabitants of the Province of South Carolina*," under which act John Douglass was the first master. The provisions of this act we have fully set out in the *History of South Carolina under the Proprietary Government.*[1]

Upon the overthrow of the Proprietary and the establishment of the Royal government the eccentric but liberal Sir Francis Nicholson, who in advance of his coming had contributed to the Provincial Library in 1712, brought out with him as Governor, instructions in regard to schools, requiring that all schoolmasters from England should be licensed by the Bishop of London, all others by himself.

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 510, 512; *Education in So. Ca. prior to and during the Revolution* (McCrady); *Coll. Hist. Soc. of So. Ca.*, vol. IV, 7–10. A tombstone still standing in St. Philip's

He was, says Ramsay, a friend of learning, liberally contributed to its support, and pressed upon the colonists the usefulness and necessity of provincial establishments for its advancement. Two years after his arrival (1722) another act was passed by the General Assembly. The original of this act was not to be found when the Statutes at Large were compiled, but the text is given in Trott's Laws. By this act the Justices of County and Precinct courts were authorized to purchase lands, erect a free school in each county and precinct, and to assess the expense upon the lands and slaves within these respective jurisdictions. They were to appoint masters who should be "well skilled in the Latin tongue," and be allowed £25 proclamation money per annum. Ten poor children were to be taught free of expense in each school if sent by the justices.[1]

The acts of Assembly we have mentioned were based upon the fact that many pious persons had previously bequeathed legacies for the establishment of free schools. As an instance of the legacies referred to in the recital of the acts of 1712, there is on record the will of one Dove

churchyard, Charleston, attests that this school was actually established and maintained at least until 1729. The inscription upon it is as follows : —

The Rev^{d} Mr. John Lambert
Late Master, Principal, and Teacher of Grammar
And Other Sciences Taught in the
Free School
At Charlestown for y^{e} Province of South Carolina
And Afternoon Lecturer of this Parish
of Saint Philips Charlestown
Departed this Life (suddenly) on y^{e} 4 August, 1729
Blessed is this servant whom His Lord when
He cometh shall find so doing.

[1] Trott's *Laws of So. Ca.*, 898 ; Dalcho's *Ch. Hist.*, 96. See also Governor Alston's *Report to So. Ca. Legislature on the Free Schools*, 1847.

Williams, on the 5th of May, 1711, by which he gave the sum of £100 toward the building, furnishing, and maintaining the free school in Charlestown. Such bequests continued and increased to a much greater extent, showing how general was the interest in the subject, and how desirous and earnest were the people in diffusing education in the province generally. In 1721 Richard Berresford died, leaving a will whereby he devised one-third of the yearly profits of his estate for the support of one or more schoolmasters, who should teach writing, accounts, mathematics, and other liberal learning, and the other two-thirds for the support, maintenance, and education of the poor of the parish of St. Thomas. The vestry received from his estate in pursuance of this devise £6500 for promoting these pious and charitable purposes.[1] This fund, Dr. Ramsay says, was still in existence when he wrote (1808), and had long been known by the name of the "Berresford Bounty."[2] Indeed, it was preserved until destroyed, or nearly so, during the late war between the States. Mr. Berresford's example was soon followed by Mr. Richard Harris, who left in 1732 to the same vestry £500, to be put out at interest until it rose to £1000, the interest on which should then be applied to the education and maintenance of the poor children of the parish.[3] Mr. James Child, of St. John's Parish, laid out a town on the western branch of Cooper River, which was called Childsberry, and afterwards Strawberry, and left several legacies to promote its settlement. He gave one square for a "college or university," £600 currency and a lot for a free school and house for the master. The inhabitants subscribed a further sum of £2200, and to these was added £200 given by

[1] Dalcho's *Ch. Hist.*, 285–293.
[2] Ramsay's *Hist. of So. Ca.*, vol. II, 356.
[3] Dalcho's *Ch. Hist.*, 287.

Francis Williams. To carry out the purpose of these legacies the Assembly passed an act in 1733 for "erecting a free school at Childsberry." No person was eligible to be a trustee unless he subscribed £100, or was entitled to vote unless he subscribed £50.[1] In 1728 the Rev. Richard Ludlam, A.M., died, leaving to the Society for the Propagation of the Gospel, which had sent him out as a missionary, all his estate, real and personal, in trust for the maintenance of a school for the instruction of the poor of the parish of St. James, Goose Creek. In 1742 the Society wrote to the vestry that £592 7*s.* 6*d.* sterling was at interest at ten per cent per annum, and that there were still some lands unsold. The vestry did not, however, think that sum sufficient for the endowment of a school, and so did nothing until 1744, when they raised by subscription an additional sum of £2275. In 1765 the Rev. Mr. Harrison, in transmitting to the Society the accounts of the Ludlam legacy, informs the Society that the parishioners had signed a subscription of £200 sterling toward the building of a schoolhouse if the Society would agree to certain conditions in regard to the management of the school. These conditions were accepted by the Society, who sent out a power of attorney to carry them into effect. In the same year Mr. Peter Taylor gave by his will £100 sterling, to be put out on good security until the school should be erected on the land puchased, and then the interest on it was to be applied to the education of poor children. In 1778 the Ludlam fund amounted to £15,272, in currency about £2000 sterling.[2] In 1728

[1] Dalcho's *Ch. Hist.*, 266, 267; Ramsay's *Hist. of So. Ca.*, vol. II, 357.

[2] Dalcho's *Ch. Hist.*, 253, 260, 262.

Dr. Dalcho in his *Ch. Hist.* tells us that the vestry, having considered the bequest of Mr. Ludlam as insufficient for the endowment of a school, had placed the money at interest until additional arrangements could be

Mr. John Whitmarsh bequeathed £1000 to the vestry of St. Paul's Parish, £500 to be laid out in books of piety and devotion to be distributed to the poor, and £500 to be employed toward the education of the poor children of the parish.[1] The interest of £200 bequeathed by Francis Williams was also appropriated as a fund for teaching

made to promote the object of the Testator, and upon their suggestion the following subscription was made: —

"Whereas nothing is more likely to promote the practice of Christianity and virtue than the early and pious education of Youth, we whose names are underwritten do hereby agree and oblige ourselves our executors and administrators to pay yearly for three years successively, viz. on or before June 18, 1745, 1746, and 1747 to the Rev. Mr. Millechamp or the church wardens for the time being, the several and respective sums of money over against our names respectively subscribed, for the setting up of a school in the parish of St. James, Goose Creek, on the land for that purpose purchased, for instructing Children in the knowledge and practice of the Christian Religion and for teaching them such other things as are suitable to their capacity."

Sa. Middleton	£100	Jane Morris	£20	John Channing	£100
William Middleton	100	Joseph Norman	20	C. Faucheraud	100
John Morton	60	Richard Tookerman	5	Robert Hume	100
Zack Villepontoux	50	Benjamin Mazyck	15	John Parker	70
Peter Taylor	25	Paul Mazck	50	W. Withers	50
Thomas Middleton	50	Robert Brown	15	Benj. Smith	50
Richard Singleton	20	William Wood	8	John Fibbin	30
William Allen	25	Robert Adams	5	John Mackenzie	100
Martha Izard	20	James Bagby	10	John Moultrie, Jr.	100
Cornelius Dupre	5	Joseph Hasfort	15	W. Blake	100
Alexander Dingle	5	James Marion	5	Benj. Coachman	100
Stephen Bull	5	Peter Porcher	15	Thomas Smith	50
G. Dupont	7	James Singleton	10	Henry Smith	50
Henry Izard	60	Isaac Porcher	5	Sedgewicke Lewis	25
James Kinloch	40	Benjamin Singleton	10	James Lynch	30
Gideon Faucheraud	10	Rachel Porcher	5	James Coachman	40
Mrs. Eliz. Izard	30	Thomas Singleton	10	John Deas	100
Maurice Keating	10	To these were subse-		Rebecca Singleton	25
Mary Izard	20	quently added: —		Peter Tamplet	50
Susanna Lansac	10	Peter Taylor	100	Joseph Dobbins	25

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 257.

poor scholars.[1] In 1736 Elias Horry devised a tract of land containing 750 acres to be sold, and the proceeds of the sale to be appropriated to the creation and perpetual endowment of a charity school in Prince George's Parish.[2]

In 1724 several gentlemen of St. George's, Dorchester, addressed the Society for the Propagation of the Gospel, asking their assistance to establish a free school at Dorchester, and an act of the Assembly was passed for the purpose; but no school appears to have been opened under it. In 1734, however, a free school was erected in Dorchester. Alexander Skene, Thomas Waring, Joseph Blake, Arthur Middleton, Ralph Izard, Benjamin Waring, Francis Vernon, William and John Williams, were appointed trustees for taking care of its interest.[3]

The Fellowship Society, incorporated in 1769, one of the very first organizations in this country for the care and relief of the insane, appropriated one-half of its funds for that purpose, and the other moiety it bestowed on the gratuitous education of the children of the poor. The St. Andrew's Society likewise appropriated a portion of their funds for similar purposes.[4]

The Winyaw Indigo Society originated in a convivial club formed about the year 1740, which met in Georgetown once a month to talk over the latest news from London and the growth and prosperity of the indigo plant. From the initiation fees and annual contributions, which were paid in indigo and not in money, a considerable surplus fund was accumulated about 1753. The question arose: To what good purpose should this fund be devoted? Tradition relates that at the close of a discussion upon the sub-

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 257.

[2] Wills, Probate Office, Charleston.

[3] Dalcho's *Ch. Hist.*, 347; *Statutes of So. Ca.*, vol. III, 378; Ramsay's *Hist. of So. Ca.*, vol. II, 257.

[4] Ramsay's *Hist. of So. Ca.*, vol. II, 363.

ject the President called upon the members to fill their glasses, as he wished to close the debate by a definite proposition, which, if it met their approbation, each member would signify it by emptying his glass. He said: "There may be intellectual food which the present state of society is not fit to partake of; to lay such before it would be as absurd as to give a quadrant to an Indian; but knowledge is indeed as free as air. It has been wisely ordained that light should have no color, water no taste, and air no odor; so, indeed, knowledge should be equally pure and without admixture of creed or cant. I move therefore that the surplus funds in the treasury be devoted to the establishment of an independent charity school for the poor." The meeting rose to its feet. The glasses were each turned down without staining the tablecloth, and the school of the Winyaw Indigo Society was established. This school for more than one hundred years was the school for all the country between Charlestown and the North Carolina line. In its infancy it supplied the place of primary school, high school, grammar school, and college. "The rich and poor alike drank of this fountain of knowledge, and the farmer, the planter, the mechanic, the artisan, the general of armies, lawyers, doctors, priests, senators, and Governors of States have each looked back to the Winyaw Indigo Society as the grand source of their success or their distinction. To many of them it was the only source of their education. Here they began, here they ended, that disciplinary course which was the only preparation for the stern conflicts of life." Some years after the school had been in operation the trustees allowed the principal to receive fifteen pay scholars, for whose teaching he was paid $600, in addition to his regular salary of $1000; and if as many as fifteen more applied for admission, an assistant was employed at a salary of

$600. The institution thus became an important grammar and classical school on account of the efficiency of its teachers, and was patronized by the people of a large area of country.[1]

We find mentioned in the *Gazette* two schools in the neighborhood of Dorchester, one at Wasmassaw in 1731, and another at Ashley Ferry in 1751.

Ramsay tells us that education was also fostered in South Carolina by several societies as a part of a general plan of charity. About the year 1736 several of the French Protestant congregation, having among them an individual who was in low circumstances and had opened a small tavern in order to maintain his family, agreed to meet at his house whenever they had any business to transact, and to spend an evening or two there every week. From this they were called the French Club. After a short time they further agreed to contribute fifteen pence at every meeting toward raising a fund for the relief of any of the members who might stand in need of support, and from that circumstance the society derived the name of the *Two-bit Club*. Persons who had some knowledge of French became members, that they might improve themselves in that language, no other being allowed to be spoken in the society. The society then established a school to the support of which it devoted a part of its growing income, and paid the salary of a schoolmaster and schoolmistress for the education of children of both sexes. From the beginning of the school until the time when Ramsay wrote in 1808 several hundred pupils had received the benefit of a plain education from its bounty. Pupils were received in succession. None under eight were ad-

[1] Rules of the Winyaw Indigo Society, Charleston, 1870. See this anecdote also related in the *Hist. of Higher Education in So. Ca.* (Colyer Meriwether, A.B.), U. S. Bureau of Education, 1889.

mitted, and none were retained over fourteen — girls not beyond twelve; as fast as any of the pupils were dismissed, their places were supplied by the admission of others. The number of the pupils when Ramsay wrote was seventy-two. The funds then amounted to $137,000. The society was incorporated in 1751, by the name of the South Carolina Society. It was the first society incorporated, which gave the idea it was the first formed, which was, however, a mistake.[1] In 1744 a school was established by a society at Jacksonboro, in which the "learned languages, mathematics, and writing were taught."[2]

The interest which the colonists in South Carolina took in educational matters clearly appears from a perusal of the *Gazettes* from 1733 to 1774, now on file in the Charleston Library.[3] During this time there are more than four hundred and twelve advertisements relating to schools and schoolmasters; and from these it appears that during the forty years there were nearly two hundred persons engaged in teaching in the province as tutors, schoolmasters, or schoolmistresses.[4] There were day schools, evening schools, and boarding schools; schools for boys and

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 362.

[2] *So. Ca. Gazette.*

[3] The following is a copy of the first advertisement we have found, May 12, 1733 :—

At the house of Mrs. Delaweare on Broad Street is taught these sciences.

Arithmetic	Surveying	Astronomy
Algebra	Dialling	Gauging
Geometry	Navigation	Fortification
Trigonometry		

The STEREOGRAPHIC and ORTHOGRAPHIC Projection of this Sphere. The use of the Globe and the Italian method of Bookkeeping by John Miller.

[4] The author has a collection of these advertisements which support the assertion of the text. See *Hist. of So. Ca. under Prop. Gov.* (McCrady), 702.

schools for girls. A knowledge of English, Latin, and Greek could be obtained in the colony at any time after 1712. French and music were taught constantly after 1733. In instrumental music lessons were given upon the harpsichord, spinet, violin, violoncello, guitar, and flute. Advertisements for teaching Italian appear in 1764, Spanish in 1767, and Hebrew in 1769; and "a young German of undeniable character" gives notice in 1770 to "the nobility, gentry, and public that he can teach grammatically French, High and Low Dutch, Spanish, Portuguese, Latin." There were schools for fencing for the boys, and for needlework and embroidery for the girls. The teachers were almost all from England, many of them clergymen and Masters of Art. There were many female teachers for the girls. Several of these came from London. Elizabeth Duneau from England, "who has brought up many Ladies of rank and distinction," and has "kept one of the genteelest Boarding-schools about London," proposes in 1770 to open a boarding-school for young ladies, in which she will teach "grammatically the French and English Languages, geography, history, and many instructing amusements to improve the mind," besides all kinds of fashionable needlework, and will provide good teachers in drawing, music, dancing, writing, and arithmetic. Limners advertise to teach drawing as early as 1736, and dancing was constantly taught from 1734. In this year a dancing-school is opened in which the master, Mr. Henry Holt, lately arrived in the province, advertises that he has been taught by the most celebrated master in England and danced a considerable time at the Play House. In 1760 Nicholas Valois gives notice that he continues to teach dancing and that he has received from London "40 of the newest country dances, jiggs, rigadoons, etc., by the best masters in London, which he proposes to teach." The next

year he advertises a ball which he will give to his scholars, and will open the ball by dancing a minuet with one of them. There were two other famous dancing-schools, one of Andrew Rutledge,[1] and the other of Thomas Pike, each of which gave balls to their scholars. Ramsay tells us that great attention was paid to music, and that many arrived at distinguished eminence in its science. The advertisements in the *Gazettes* fully sustain this statement. In 1739 a person lately arrived proposes to teach "the art of Psalmody according to the exact Rule of the gamut in all the various measures, both of the old and new version." Similar advertisements continue to appear. The organists of St. Philip's Church appear to have added to their salaries by this means.

In 1752 the vestry of St. Philip's Church send to London propositions for the employment of an organist in the place of one just dead, in which they hold out as inducements to a competent person: (1) that the voluntary subscriptions of the inhabitants for his services as organist will amount to no less than £50 sterling per annum; (2) that the benefit of teaching the harpsichord or spinet will amount at least to 100 if not 150 guineas per annum; (3) and that the benefit of concerts which on his obliging behavior to the gentlemen and ladies of the place may amount to 300 or 400 guineas per annum more.[2]

In addition to the schools there were lectures upon educational subjects. In 1739 Mr. Anderson lectures on Natural Philosophy. October 31, 1748, Samuel Domjen announces in the *Gazette* that, having in his travels in Europe studied and made wonderful experiments in electricity, he proposes to show the surprising effects thereof

[1] This Andrew Rutledge was not a member of the well-known family of that name.

[2] *Vestry Book St. Philip's Church, 1732–55*, 219.

at Mr. Blythe's tavern in Broad Street during the hours from three to five in the afternoon of Wednesday and Friday, and when desired will wait on the ladies and gentlemen at their houses to show the experiments. "Each person admitted to see them to pay 2*s*., who also may be electrified if they please." In 1752 Mr. Evans gave two courses of lectures on Philosophy. He lectured every day, Sundays excepted. In 1754 Robert Skedday, A.B., gives a course of lectures on Natural Philosophy, viz. Astronomy, Mechanics, Hydrostatics, and Optics. In 1765 Mr. William Johnson advertises to give a course of lectures on "that instructive and entertaining branch of natural philosophy called Electricity." The course was to consist of two lectures, in which all the properties of that wonderful element as far as the latest discoveries have made us acquainted therewith, and the principal laws by which it acts, were to be demonstrated in a number of curious experiments, many of which were entirely new. Among many other particulars Mr. Johnson proposed to show that the electric fire commonly produced by friction of glass and other electrical substances is not created by that friction, but is a real element or fluid body diffused through all places in or near the earth; and that our bodies contain enough of it at all times to set a house on fire. In his second lecture this fire was to be shown to be real lightning, together with many curious experiments representing the various phenomena of thunder-storms. Mr. Johnson was thus entertaining and instructing the people of Charlestown with Franklin's new discoveries. And with an eye to business he advertises that those who desire to have their habitations guarded from the fatal violence of this most awful power of nature, with which this colony had been often dreadfully visited, might learn from his lectures and experiments more of the nature and pro-

pensities of lightning than had been known in the world until within a few years; and at the same time would have an opportunity of being fully convinced that the method proposed for security, if put in practice with proper precautions, would be attended with success; and that they would understand, that instead of there being any just objection thereto, on the ground of its being a presumption in the face of the Almighty, they would have the utmost reason to bless God for a discovery so important and eminently useful. Mr. Johnson also undertook in these lectures to explain all the principal properties of that other useful branch of natural philosophy called Magnetism.

The colonists of South Carolina might thus well challenge comparison with those of any other province in America, and for that matter with the people at home in old England, for their efforts in behalf of the general and common education of the people. In no province, we venture to affirm, was more provision made by the wealthy for the education of the poor. There was, however, no similar system to that of the common schools which was growing up at the time in New England. The physical conditions of the province and of the colonists prevented it. The population was not equally scattered throughout the country, allowing the settlements of neighborhoods such as the New England townships. The low country was settled in large plantations, which were mostly unhealthy for the white man in the summer, thus requiring the planters to reside in Charlestown or in some resort, as Georgetown and Beaufort, during that season. This necessitated provision to be made for private education on the plantations in the winter or the sending of the children to boarding-schools in Charlestown or elsewhere. The *Gazettes* of this time contain numerous advertisements for teachers in private families, and by persons willing to

become such tutors. With the accumulating wealth of the province it became the fashion after 1750, indeed to a considerable extent even before, to send the children of the opulent to England for their whole education. Many of the young men who came into public life just before the Revolution had spent the whole of their youth in England, or settled first at Eton or some other school, and then at Oxford or Cambridge. Thus it was that Chief Justice Charles Pinckney, when retired from the Bench and sent as the agent of South Carolina to London, took with him his two young sons, Charles Cotesworth and Thomas, and William Henry Drayton, and left them at school there. Besides these, Arthur Middleton, Thomas Heyward, Jr., Thomas Lynch, Jr. (three of the signers of the Declaration of Independence), Christopher Gadsden, John Rutledge, Hugh Rutledge, Henry Laurens, John Laurens, Gabriel Manigault, Peter Manigault, and William Wragg were sent to England for their education. Before and just after the Revolution, says Hugh S. Legare in a note to his Essay on Classical Learning, many, perhaps it would be more accurate to say most, of the youth of South Carolina of opulent families were educated in English schools and universities. There can be no doubt, he adds, that their attainments in polite literature were very far superior to those of their contemporaries at the North, and the standard of scholarship in Charlestown was consequently much higher than in any other city on the Continent.[1] So too in his *Retrospect of the Eighteenth Century*, by Dr. Samuel Miller of Princeton, in 1708, the belief is expressed that the learned languages, especially the Greek, were less studied in the Eastern than in the Southern and Middle states. The reason he assigns is that, owing to the superior wealth of the individuals in

[1] Legare's *Writings*, 7.

the latter States, more of their sons were educated in Europe, and brought home with them a more accurate knowledge of the classics.[1]

Dr. Ramsay calls attention to the fact that the natives of Carolina who were educated in Great Britain were not biassed in favor of that country, but that most of them joined heartily in the Revolution, and from their superior knowledge were eminently useful as civil and military officers in directing the efforts of their countrymen in defence of their rights. This, he observes, is the more remarkable, as the reverse took place in the other provinces.

During the discussion of the non-importation agreement in 1769 appears an essay in the *South Carolina Gazette* of November 9, in which the writer, "Carolinacus," suggests that a great economy can be promoted by home education. He calls attention to the large sums of money annually remitted to England to maintain the children there, which in effect is so much money lost to the province, and urges that the example of the northern provinces in educating their youths at home be followed in this. Such a plan, he says, would engage men of real learning to come amongst them. Lieutenant Governor Bull was too loyal a Governor to encourage the non-importation agreement; but he was a man of learning himself, — the first native American to take a degree in medicine abroad, — and upon much higher grounds was in favor of establishing a college in South Carolina. On the 30th of January, 1770, he sent in to the Assembly a special message upon the subject. He had upon former occasions, he said, recommended to them such matters as concerned the encouragement of trade and the wealth of the province. He had now to propose for their consideration a matter of greater importance, as it

[1] Howe's *Hist. Presb. Ch.*, vol. II, 21.

would transmit their wealth with additional advantage to their latest posterity. He meant the establishing in the province of seminaries of liberal education, whereby the youth — the future hope and support of the country — would be rendered more capable of serving themselves and the community of which they were members. The expense, and particularly the anxiety of parents, on account of the danger to the morals and lives of their children when far removed from parental oversight, deterred many from bestowing the inestimable advantages upon their offspring which were then not to be obtained but by sending them abroad. As appeared by a memorial of the Vice Presidents and commissioners of free schools, a short time before, the masters of the free schools coming out from England, being clergymen, were constantly removed from the schools to benefices in the church, and this frequent change was an impediment to their progress. To meet this, Lieutenant Governor Bull in this message urged that though the provisions for the masters of the free schools were more liberal than could have been expected in the infant and weak state of the province when made, that it was now indispensable to put the free schools upon such a footing as would induce masters not only to undertake but continue their charge. The present flourishing state of the province could well afford the expense of suitable salaries and buildings for the purpose. But, the Governor went on to observe, grammar schools alone were not sufficient, as they lay only the foundation of the education of those who are to be employed in the learned professions, or who by their fortunes will be placed in the foremost rank of public servants, and to be not only the defence, but ornament, of their country. Such an education could not be implanted but by the instruction of learned professors in the various branches of the liberal

arts and sciences, and is most successfully conveyed by students residing in colleges and conforming to wholesome statutes for their good government. It would, he acknowledged, be the work of time to build and endow such a seminary, but the benefits which the province would receive would overbalance all considerations of that nature. In conclusion, the Lieutenant Governor called the attention of the Assembly to the unhappy condition of the back settlers, who were destitute of instruction, even in the lowest and most necessary parts of education, and recommended the establishment of schools at the Waxhaws, Camden, Broad River, Ninety-six, New Bordeaux, and the Congarees. In pursuance of this recommendation of Governor Bull a bill was drawn "for founding, erecting, and endowing public schools and a college for the education of the youth of this province," a considerable portion of which was said to be in the handwriting of John Rutledge. After making full provision for public schools, the bill provided for founding and endowing a college in the province; for the appointment of commissioners and a Board of Trustees, of which the Governor and the Speaker of the Commons' House of Assembly were to be *ex officio* members, to be called "the Trustees of the College of South Carolina." There were to be a President, who should be Professor of Divinity, Moral Philosophy, and of the Greek and Hebrew languages, at a salary of £350 sterling per annum; a Professor of the Civil and Common Law and of the Municipal Laws of the province, with a salary of £200; a Professor of Physic, Anatomy, Botany, and Chemistry, £200; a Professor of Mathematics and of Natural and Experimental Philosophy, £200; a Professor of History, Chronology, and Modern Languages, £200. The President was, of course, to be of the religion of the Church of England. To John Rutledge has usually been

attributed the credit of having made the suggestion of this college, from the fact that most of the bill was in his handwriting; but the message of Lieutenant Governor Bull clearly indicates that he was the author of this attempt to provide a plan of higher education in the colony, and no doubt he had John Rutledge's hearty coöperation in the scheme. But the time was not propitious for the introduction of any such wise measure. The people were all aflame about the non-importation agreement, and could think of nothing but their meetings and doings under the Liberty Tree. William Henry Drayton, as we shall see, had just left the province in disgust at the measures he was soon to return to espouse. William Wragg had retired in despair; Christopher Gadsden was pressing on in the road which could end only in revolution; and John Rutledge himself was conniving at the misappropriation of the public funds for the benefit of Wilkes. He might assist Governor Bull by drafting a bill to carry out recommendations which his own judgment no doubt clearly approved, but he could not divert the attention of the people under the Liberty Tree from the enforcement of the "agreement" to consider so theoretical a matter as that of education.

But while Governor Bull could not induce the General Assembly to forego the disputes with the Royal government sufficiently to attend to this matter of the promotion of colleges for higher education, the northern colonies saw the opportunity of raising funds for the support of such institutions in America, and availed themselves of it. The *Gazette* of the 15th of February (1770) reports, "We have now here no less than two solicitors for benefactions to colleges in northern colonies, viz.: the Rev. Hezekiah Smith, who collects for one intended to be established in

Rhode Island government, the President whereof always is to be a Baptist, and the majority of the Trustees of the same profession; the other, the Rev. Mr. Caldwell, who has met with great success in gathering for that established in Prince Town in New Jersey, and we are told if this continues we may expect annual visits for the support of those foundations. Surely, if we can afford this, we ought not to delay procuring an establishment here for the benefit of our posterity." Two years later, March 26, 1772, the *Gazette* announces: "The Rev. Dr. William Smith, we are assured, has collected not less than £1000 sterling in the short time he has been here by donations for the use of the college: an evident proof of how liberally and readily the inhabitants of this province would contribute to promote so necessary and desirable an establishment among themselves." In the minutes of the Board of Trustees of the College of Philadelphia (now University of Pennsylvania) there is an order of the date of April 15, 1772, "that the names of the several gentlemen who so kindly contributed toward the college in collections made for the same in South Carolina by Dr. Smith be inserted in this book as a perpetual testimony of the obligation which this seminary is under to them. The list is headed by Lieutenant Governor Bull himself with a contribution of £150 South Carolina currency; Henry Middleton, £350; Thomas Smith, £350; Gabriel Manigault, £700; Miles Brewton, £275; Charles Pinckney, £147; Christopher Gadsden, £140; Thomas Ferguson, £350; and so on, almost every man in the colony of any prominence contributing and making up a sum equivalent to £1061 10*s*. 1*d*. sterling. The people of South Carolina thus contributed to the establishment of three of the great institutions of learning in the country,—Princeton, Brown University, and the University of Pennsylvania.

Governor Bull, as we have seen, called the attention of the General Assembly to the want of schools in the upper part of the province. The year before, *i.e.* in 1768, a society had been formed by the inhabitants of the Ninety-six District for the purpose of endowing and supporting a school there, the society was incorporated in the session of the General Assembly to which Governor Bull sent his message, and at the same session Thomas Bell, William and Patrick Calhoun, and Andrew Williamson petitioned the Assembly in behalf of themselves and of "other inhabitants of the back parts of the province" among other things, as we shall see, for ministers of the gospel and schoolmasters. But the want of public schools in this section of the State was supplied, in a great measure, by the Presbyterian clergymen who came down with the Scotch-Irish immigration. Churches and schoolhouses were built together by the ministers of that church, which from the earliest times has been foremost in the cause of education in this country. Of the zeal of the women of these people we have already had occasion to quote the eloquent description of their historian. These Presbyterian clergymen came from Ireland, — some from Scotland, — and were usually men of education, some of the highest education. They read and wrote Latin fluently, and appear to have been required to defend a thesis, and to explain the Greek Testament upon joining the presbytery. At least such was expected of Archibald Simpson when he began his ministry as a probationer. Some were excellent arithmeticians, and all were good penmen. The "Master," as the teacher was called, discharged many duties usually performed by lawyers and surveyors. In the absence of lawyers, in that section, he drew all the wills and titles to land, and made all the difficult calculations. No man in the settlement was more honorable or honored than the

"Master." The title signified more than "Reverend" or "Doctor" does now.

It is a curious and interesting fact in the history of South Carolina that the very first instance in which the names of the English churchmen and the Huguenots on the coast, and of the Scotch-Irish Presbyterians of the upper country, are commingled, is in the establishment of a school. The Mount Zion Society was established in the city of Charlestown January 9th and incorporated February 12, 1777, the year after the battle of Fort Moultrie, for the purpose of founding, endowing, and supporting a public school in the District of Camden, for the education and instruction of youth. The preamble of the constitution is prefaced by Isaiah lx. 1 and lx. 3: "Arise, shine, for thy light is come, and the glory of the Lord is risen upon thee. To appoint unto them that mount in Zion, to give unto them beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness, that they may be called the trees of righteousness, the planting of the Lord, that he might be glorified." The very language is jubilant with hope and courage, and the quotation may have suggested the name of the society. Its members were from all parts of the State; but its meetings, which were to be weekly, quarterly, and annual, for the convenience of the most of its members, were to be held in Charlestown. Its first President, John Winn, and its wardens, William Strother and Robert Ellison, were residents of what is now Fairfield County, then a part of Camden District. The school was located at the town which was named Winnsboro, in honor of John Winn. Its membership the first year, 1777, was fifty-eight in number. Among these were Colonel Thomas Taylor and Thomas Woodward, and two from the low country, Edward McCrady, one of the first members, and Andrew Rutledge.

In 1778 ninety-six were added, and in 1799 eighty-seven. In the second year of its existence, we find among the names of its members four sons of Anthony Hampton,—Henry, Edward, Richard, and Wade,—and the brother of Anthony, John Hampton, William and Eli Kershaw, and Andrew Pickens, and Charles Cotesworth Pinckney. Just before the fall of Charlestown, in 1780, many of the low country men joined the society, probably with a view to the maintenance of a school in a part of the province to which they might be driven by the enemy on the coast. New members were received on the 8th of May, 1780, just four days before the surrender of the town. But Cornwallis's invasion closed all the schools. Indeed, in this same year he established his headquarters at Winnsboro. We have no record of the society for the two following years; but early in 1783, Charlestown having been recovered, it met there; John Huger, President, appointed John Winn and six other directors in Winnsboro and its vicinity, and Charles Pinckney and five other directors in Charlestown. Upon its reorganization it was reported "that the temporary school had been broken up by the enemy, but the buildings were safe in the custody of Colonel Richard Winn." Colonel Winn and Colonel John Vanderhorst in 1784 gave lands to the school, and it was placed under the charge of the Rev. Thomas Harris McCaule, who proposed to enlarge it into a college upon the plan of the college in New Jersey (Princeton), where he had been educated. In 1785 the Mount Zion College, the college of Cambridge at Ninety-six, and the Charleston College were incorporated in the same act.[1]

About the same time as the Mount Zion Society, there was organized another, that of St. David's, in the Pee Dee section. The subscription paper is dated the 13th of

[1] *Statutes of So. Ca.*, vol. IV, 674.

December, 1777. Its preamble urges the importance of endowing and establishing public schools to cultivate the youth in the principles of religion and every social virtue, to enable them to fill with dignity and usefulness the important departments of State; and asks who that is a lover of his country can fail to deplore the great want of this necessary qualification in our youth, especially in the interior parts of it, at this early period of our flourishing and rising State? "In the future, when we shall be at liberty to make our own laws without the control of an arbitrary despot, what heart would not glow with pleasure to see a senate filled with learned, wise, and able men, for the want of whom the most flourishing republics have become the tools of arbitrary despots? And whereas there is a society established in the parish of St. David, by the name of St. David's Society, purposely for founding a public school in said parish for educating youths in the Latin and Greek languages, mathematics, and other useful branches of learning, by those who are not of ability without assistance to carry so useful and necessary an effort into effect," to contribute to so laudable and benevolent an undertaking the subscribers contribute the sums mentioned. The society was incorporated on the 28th of March, 1778.[1] Another, the "Catholic Society," was about the same time incorporated for the purpose of founding, endowing, and supporting a public school in the District of Camden, eastward of the Wateree River.

"Indeed, if the number of newspapers printed in any community may be taken as a gauge of the education of the people, the condition of the Southern states as compared with the Eastern and Middle was most deplorable," is the reckless assertion of a distinguished historian; and in support of this charge of ignorance he states that in 1775

[1] Gregg's *Hist. of the "Old Cheraws,"* 280–284.

there were in the entire country thirty-seven newspapers in circulation. Of these, fourteen were in New England, four in New York, nine in Pennsylvania. In Virginia and North Carolina there were two each; in Georgia, one; in South Carolina, three.[1] It is fortunate, indeed, for the people of South Carolina that appeal has been made to this standard as a legitimate test of education; for when we come to apply this measure, we find that if it is to be the rule, the colony in South Carolina was the most highly educated in America. The value of the test must of course depend upon the number of the people and the number of newspapers in each colony. As then in the whole country at the commencement of the Revolution there were but 37 newspapers, and as the nearest estimate that can now be had of the white people of the whole country at the time is 2,389,300, we would have one newspaper published to every 64,575. The historian admits that the colony of South Carolina at the time had three newspapers. We have no estimate of the population of South Carolina in 1775; but in 1765 it was but 40,000, and from 1766 to 1774 there were three newspapers. Supposing that the white population increased to the extent of 50 per cent during the ten years from 1766 to 1776, we would have the number of whites in South Carolina but 60,000, and this was the estimate of Henry Laurens writing to the French Minister in 1779. The

[1] McMaster's *Hist. of the People of the U. S.*, vol. I, 27. The newspapers in South Carolina, as preserved in the Charleston Library to-day, were: *So. Ca. Gazette*, 1732 to 1774, 9 vols., folio; *So. Ca. American General Gazette*, 1766 to 1775, 2 vols., folio; *So. Ca. Gazette and Country Journal*, 1766 to 1774 (see *Catalogue Charleston Library*). Before these there had been *So. Ca. Gazette*, January to September, 1731, 2 vols., *So. Ca. Weekly Gazette*, 1732, 1733, 2 vols., folio, *Ibid.* See also Thomas's *Hist. of Printing;* Hudson's *Hist. of Journalism;* King's *Newspaper Press of Charleston.*

historical committee of the Charleston Library Society, however, reports in 1835, apparently upon the authority of "Wells's Register," that in 1773 the whites amounted to 65,000. For a considerable part of this time therefore there was one newspaper to not more than 15,000 people, and for the rest of the time prior to the Revolution one to not more than 21,666. But we have just seen that in the whole country the average population necessary to support a paper was 64,575. If we carry on this comparison with the New England states, which are held up as the standard to which South Carolina failed to attain, we find that of the fourteen newspapers published in New England, seven were published in Massachusetts, one in New Hampshire, two in Rhode Island, and four in Connecticut. The population of Massachusetts in 1775 was estimated at 352,000,[1] and as there were seven newspapers, we have but one for every 52,285 inhabitants. In New Hampshire there was but one newspaper for 82,200 people.[2] In Connecticut the population was 197,365,[3] and it had four newspapers, or one to every 49,340. We can find no estimate of the population of Rhode Island at this time.

A very nearly complete file of *Gazettes* and newspapers from 1732 to the present day is preserved in the Charleston Library, forming a rich mine of historical information; indeed, it constitutes a daily journal of events of the time for province, city, and State for one hundred and sixty-six years. A colonial *Gazette* had always a column or two of news from Europe,— the doings of the court in London and proceedings in Parliament. It had a page or two of advertisements of all kinds, shipping lists, etc. There

[1] E. S. Drone in *Am. Encyclopedia.*

[2] Belknap's *Hist. of New Hampshire*, 234.

[3] *Am. Encyclopedia.*

were always short local paragraphs in which are presented most interesting items of personal and local history, sometimes invaluable in fixing definitely and decisively disputed dates. There were notices of births, deaths, and marriages. In announcing a marriage it was the custom to make some complimentary remark upon the bride. "She was a young lady of great beauty, and blessed with the most valuable accomplishments." "A lady of celebrated beauty, and endowed with every qualification that can render the nuptial state a happy one." Sometimes fortune is mentioned in pounds sterling. Then there were moral and social essays after the model and style of those in the *Spectator* and *Rambler*, all in the most approved Johnsonian periods. All political subjects were discussed in the *Gazettes*. We have seen the discussions concerning the nature of the Council: whether it was an Upper House of Parliament, or merely an advisory cabinet. During the excitement over the non-importation agitation the letters on the subject were often very bitter. The celebrated discussion between Christopher Gadsden and William Henry Drayton we shall soon see carried on in this way, the old patriot not hesitating to inflict seven and eight columns of his wrath at a time upon his youthful but accomplished adversary, in a style rambling and confused, but always hitting his mark. Commissary Garden takes a hand in the heated discussion upon the subject of the smallpox. The question of inoculation is discussed, whether it is not tempting the wrath of God in thus claiming to anticipate the dread disease. There were but few editorials. But Timothy, in the *South Carolina Gazette*, was always warning against the importation of negro slaves because of the danger from their increasing numbers in proportion to the whites. Wells, of the *American General Gazette*, was early accused of lukewarm-

ness to the patriot cause, an accusation which was confirmed by his going over to the British when they took the city, and his paper becoming the *Royal Gazette*.

The establishment of libraries, the circulation of books, encouraged by legislative acts and private donations, are certainly evidences that education was not neglected in the province. "The idea of a free public library could hardly find acceptance," it has been observed, "until the idea of free public education had become familiar to men's mind, and the libraries existing at the time of the Revolution were necessarily representative of the existing state of public opinion on the subject of culture."[1] The colonists of South Carolina had become familiar with the ideas alike of free public education and a free public library before the overthrow of the Proprietary government. Their efforts in regard to free education were no doubt limited, but in each parish there were pupils who were taught free at the public expense. There can be little doubt that the first library in America to be supported in any degree at the public expense was that at Charlestown in 1698. The belief expressed by the author that this library was the first public library in America[2] has been criticised as misleading.[3] But the facts are sufficient to sustain the belief. The library at Henrico, Virginia, in 1623, which is said to a moral certainty to have been the first,[4] was not in any sense a public library. It was the gift of a private library to a projected college, just as the library of Harvard was begun by a devise by the Rev. John Harvard of his library to the Wilderness Seminary.

[1] *Public Libraries a Hundred Years Ago* (H. E. Scudder), U. S. Bureau of Education, 1876, chap. I.

[2] *So. Ca. under Prop. Gov.* (McCrady), 353.

[3] *Am. Hist. Review* (Whitney), vol. III, No. 3, 550; *Pub. of the Southern Hist. Asso.*, vol. II, No. 2, 136.

[4] *Am. Hist. Review* (Steiner), vol. II, 59.

Both these were libraries of educational institutions, not generally public. Of the libraries which the Rev. Dr. Bray attempted to establish, that at Charlestown was the first, if not the only one, to receive support from the public treasury. Sir Francis Nicholson, it is true, while Governor of Maryland in 1697, recommended to the Assembly of that province the support of the library Dr. Bray was trying to found there; but besides thanking him, the Assembly did nothing.[1] But in South Carolina the Assembly not only thanked Dr. Bray, but contributed substantially to the purchase of books for a public library. The Commons, on the 8th of October, 1698[2] —

"Ordered that Capt. Job Howe and Mr. Ralph Izard be a Committee to join with whom the Upper House shall appoint, and that they do write Letters both to the Lord Bishop of London and Dr. Thomas Bray and give them the thanks of the House for their pious care and pains in providing and sending a minister of the Church of England and laying a foundation of a good and Public Library, and that Mr. Speaker sign the above letter of thanks on behalf of this House."

On the 19th of November (1698) they further ordered: —

"That Mr. Jonathan Amory, Receiver General, do lay out in dressed skins to the value of seventy pounds current money, and the same ship for London in some vessel bound thither on account and risque of Mr. Robert Colvill, Bookseller in London, for the payment of fifty-three pounds that is due the said Robert Colvill, being part payment of a public Library bought of him, and that said skins be consigned to William Thornbough, Esq., and that he be desired to lay out the overplus (if any) in such books as he shall think proper for the Public Library, that are not already mentioned in the catalogue of the said Library, and that this order be sent to the Upper House for their concurrence and that the Speaker sign the same."

Again, subsequently, but without date, the Commons ordered: —

[1] *Am. Hist. Review* (Steiner), vol. II, 59. [2] *Commons Journal.*

"That Ralph Izard, Esq., Mr. Robert Stevens, & Cap't Job Howe be a committee to write a letter to the Hon. the Lords Prop'rs . . . with also the thanks of the House for the generous present of so considerable a part of our public Library, and that Mr. Speaker sign the said letter," etc.

This library, it will be observed, though founded by Dr. Bray, was supported by the Lords Proprietors and the Assembly in South Carolina, and was governed by commissioners appointed by the legislature. It was, as we have seen, in operation in 1712, under the acts of 1700 and 1712. These acts, it is admitted, are the earliest library laws in America as far as known.[1]

But care must be taken not to confuse this public library with that of the Charlestown Library Society, begun in 1743, which exists to this day, and which has furnished the materials for much of this History. We do not know how long the public library was maintained after the act of 1712, which was passed for its preservation. We can find no further record nor mention of it.

But in the year 1743 some young gentlemen, by contributing among themselves, imported a few books and associated themselves for the purpose of raising a small fund to collect new pamphlets published in Great Britain.[2] It will be recollected that political writings were then almost entirely confined to pamphlets. It was in pamphlets that Addison and Steele fought for the Whigs and Swift for the Tories. Dr. Johnson's political tracts and some of Edmund Burke's most valued writings are con-

[1] *Pub. of the Southern Hist. Asso.*, vol. II, No. 2, 136.

[2] The names of the original members, seventeen in number, were John Sinclair, John Cooper, Peter Timothy, James Gundlay, William Burrows, Morton Brailsford, Charles Stevenson, John Neufville, Thomas Sachiverell, Robert Brisbane, Samuel Brailsford, Saul Douxsaint, Thomas Middleton, Alexander Bavon, Alexander McCaulay, Patrick McKie, and William Logan. Ramsay's *Hist. of So. Ca.*, vol. II, 37, 48.

tained in such papers. The troubles in America were the subject of pamphlets both in England and in this country. The last pamphlet from England was therefore eagerly read by all who were interested in the political world. These young men advanced and remitted to London £10 as a fund to purchase such pamphlets as had appeared in the current year, acting at first under a mere verbal agreement and without a name. From this small beginning they soon perceived the great advantages there might be if the scheme was enlarged and prosecuted with spirit. Finding themselves unequal to the plan, they invited others to associate with them, and were soon joined by other lovers of books and students of science. A public library was projected; the idea met with great applause, and was countenanced by the best people of the place, who became members of the infant society. Its plan was extended to the endowment of an academy, to encourage men of literature to reside among them and instruct the youths in the several branches of a liberal education. Before the end of the year — *i.e.* on the 28th of December, 1743 — rules for the organization of the society were ratified and signed, when the name of the Library Society was assumed. Arrangements were then at once made for the acquisition of books as well as of pamphlets. There was some delay in obtaining a charter, which required the Royal assent. In the year 1754 application was made to the General Assembly for a charter of incorporation. The act was at once passed, but there was a long accidental delay in obtaining the Royal assent necessary. The instrument of confirmation was sent by a vessel which fell into the hands of the French on its passage from England, and was thus delayed for eighteen months. The delay appears to have been considered very prejudicial to the enterprise. Great

store was set upon a charter as a means of enforcing its rules and preserving its books.

The arrival of the charter at length gave new life to the society. His Excellency Governor Lyttleton became a member. Thomas Smith was the first president, and Daniel Crawford succeeded him in 1757. In 1758 Governor Lyttleton was made president, and from that time the Governor or the Lieutenant Governor was the president, with the exception of Governor Boone. Thus, Lieutenant Governor Bull was president from 1761 to 1768, the colonists refusing to have anything to do with Governor Boone. Lord Charles Greville Montagu was president in 1768–69, and Lieutenant Governor Bull again to the Revolution. Daniel Crawford, Benjamin Smith, and Peter Manigault — the two latter Speakers of the Commons — were vice presidents. The society was thus closely connected with the government, but it followed the popular sentiment. Thus, we find Boone's personal unpopularity excluded him from the presidency; nor could Lord Charles Montagu be reëlected after the troubles of non-importation began. The library was the centre of the intelligence, education, and culture of the people. The books and philosophic instruments were burnt during the Revolution — in 1778. It then contained between six and seven thousand volumes.

CHAPTER XXVI

THE years that elapsed between 1728 and 1763, it has been observed, were years of unprecedented prosperity. The increase of population was immense, and in the enjoyment of unexampled happiness the people became gay, polished, and devoted to hospitality. Among those who passed the meridian of life during that period, it was affectionately remembered by the appellation of the *good old time*. Society at that time, it was said, was precisely in that state which is most favorable to the enjoyment of life. The luxuries of the day were within the reach of a moderate fortune, and few could be said to be elevated above one common level. Hence social happiness was not disturbed by the workings of envy or the haughty demeanor of upstart pride.[1] The first and second Georges, says Ramsay, were nursing fathers to the province, and performed to it the full-orbed duty of Kings; and their paternal care was returned with the most ardent love and affection of their subjects in Carolina. The advantages were reciprocal. The colonists enjoyed the protection of Great Britain, and in return she had a monopoly of their trade. The mother country received great benefits from this intercourse, and the colony under her protecting care became great and happy. The Carolinians were fond of British manners, even to excess.[2] To such an extent was this carried that Drayton adds they were too much preju-

[1] Johnson's *Life of Green*, vol. I, 255.

[2] Ramsay's *Revolution*, vol. I, 7.

diced in favor of British manners, customs, and culture to imagine that elsewhere than in England anything of advantage could be obtained.[1] They were not satisfied, it is said, unless the very bricks of which their houses were built were brought from England.[2] Though un-

[1] *A view of So. Ca.* (Drayton), 217.

[2] There is a very common tradition in South Carolina, not peculiar however to this State, that the bricks of which some still standing colonial mansions were built were imported from England. These traditions have, we believe, been pretty well exploded in Virginia and Maryland. And, as somewhat of a test, the author of this work requested Mr. John H. Devereux, Architect, U. S. Superintendent of Public Buildings, to make for him a calculation, by measurement, of the bricks in the historical residence of Miles Brewton, built probably about 1770, and now known as the Pringle mansion, situated in King Street, Charleston; the headquarters both of the British and Federal armies during their respective occupations of the city. He finds that there are in it 1,278,720 bricks, weighing 8 pounds each, which amounts to 4566 tons. There were no vessels at that time of over 500 tons trading to Charlestown; so that it would have taken a fleet of 9 of the heaviest draught vessels then coming into our harbor to have brought these bricks from England; or if brought in ballast, 100 tons to the vessel, 45 vessels. Mr. Josiah Quincy, in his Journal, states that this house was said to have cost Mr. Brewton £8000 sterling, probably about $50,000 of our present money; but this would scarcely have allowed the employment of so many vessels in the transportation of bricks alone when cargoes from England at that time were so valuable. An explanation of the tradition probably is that there were two patterns or moulds used for making bricks, one of which was called "English brick," and the other "Dutch brick," — the English was large and heavy, the Dutch brick was very small, — a sample of the latter is still to be seen in the house on Church Street, mentioned by the author in a note to his work on the *Hist. of So. Ca. under Prop. Gov.*, p. 703, as one of the oldest in the city; the bricks in the Pringle mansion are probably samples of the former. The fact that a house was said to have been built of "English brick" has been construed by tradition to mean that it was built of bricks imported from England. As we have seen, however, some bricks were certainly brought from England, as well as from New England, after the great fire of 1740, for the prices of English bricks and New England bricks were then, among other things, fixed by statute.

suited to the climate, the models of their houses were after those of the houses in London and the English country seats. Their furniture and carriage horses, chaises or coaches, must all be imported. In vain did the coach-makers in Charlestown advertise in the *Gazette* that they could build as good. The tailors and milliners brought out the fashions from London. In February, 1751, a peruke maker from St. James, London, advertises in the *Gazette* his arrival, and that he has taken a shop in Broad Street, where he intends to follow his business; has brought over with him a choice assortment of *English* hair and other material belonging to his business; he promises both ladies and gentlemen that their business will be done according to the best and newest fashions, that they shall be fitted to the greatest nicety, so that their wigs shall never shrink in the foretop parts or come down; he promises the ladies that their "tetes" shall be made in such perfect imitation of their own hair that it will be difficult to discover any difference.

Households were organized on the English model, except in so far as it was modified by the institution of slavery, which modification was chiefly in the number of servants. In every well-organized planter's household there were three high positions, the objects of ambition of all the negroes on the plantation. These were the butler, the coachman, and the patroon. The butler was chief of all about the mansion; usually the oldest negro man-servant on the premises, his head was often white, the contrast of which with his dark skin was striking, and added much to the dignity which it was always his care and pride to maintain. His manner was founded upon that of the best of the society in which his master moved, and with all he possessed much greater ease than is usual in a white man occupying the same position. He became an

authority upon matters of table etiquette, and was quick to detect the slightest breach of it. He considered it a part of his duty to advise and lecture the young people of the family upon the subject. He often had entire charge of the pantry and storeroom keys, and was usually faithful to his trust. He was somewhat of a judge, too, of the cellar; but there are stories which indicate that it was scarcely safe to allow him free access to its contents. The coachman, to the boys of the family at least, was scarcely less a character than the butler. He had entire charge of the stable, and took the utmost pride in the horsemanship of his young masters, to whom he had given the first lessons in riding. The butler might be the greatest man at home; but he had never the glory of driving the family coach and four down the great "Path" to town and through its street. The oldest plantations were upon the rivers; a water front, indeed, and a landing were essential to such an establishment, for it must have the periago for plantation purposes, and the trim sloop and large cypress canoes for the master's use. So beside the master of the horse — the coachman — there was a naval officer, too, to each planter's household, and he was the patroon — a name no doubt brought from the West Indies. The patroon had charge of the boats, and the winding of his horn upon the river told the family of his master's coming. He, too, trained the boat hands to the oar and taught them the plaintive, humorous, happy catches which they sang as they bent to the stroke, and for which the mother of the family often strained her ears to catch the first sound which told of the safe return of her dear ones. Each of these head servants had his underlings, over whom he lorded it in imitation of his master. The house was full, too, of maids and seamstresses of all kinds, who kept the mistress busy, if only to find employ-

ment for so many hands. Outside of the household the "driver" was the great man. Under his master's rule, he was absolute. He was too great a man to work himself, and if his master was anybody — that is, if the plantation was of a respectable size, with a decent number of hands — he must have a horse to ride, for how else could he oversee all his people? The "driver" was the executive officer. He received his orders from his master, and he carried them out. He did all the punishing. When punishment was necessary, he inflicted it under his master's orders. He was responsible for the administration of the plantation. A plantation was a community in itself. It had its necessary artisans. There must be carpenters, blacksmiths, coopers, tailors, and shoemakers, for there were no ready-made clothes and shoes in those days. Then there was a hospital for the sick, and a house for the children while the mothers were at work. All these required thorough organization and complete system. There were no doubt many and great evils inseparable from the institution of slavery, but these were reduced to a minimum on a Carolina plantation; generally the slaves were contented and happy, and shared in the prosperity which their labors on the new rice fields were bringing to their masters.

The Carolinian, like a true Englishman, was devoted to field sports. He rode from his infancy. Attempts have been made to show that horses were natives of America, and plausible arguments have been adduced to establish the fact;[1] but Bartram, the best authority, informs us that the horse was not originally found in the possession of Indians.[2] It is curious that horses are not mentioned

[1] Logan's *Hist. of Upper So. Ca.*, 155; "Horses not Imported," pamphlet, F. S. Holmes, Charleston Library, 5th Series, vol. XV.

[2] *Bartram's Travels*, 213.

"With regard to the horses of America in different parts of the coun-

in the instructions to Governor Sayle, which otherwise give such minute instructions for the material he was to take out or to obtain for the settlement of the colony in 1670, unless horses were intended to be included in his instructions as to cattle; these, he was instructed, the Proprietors would cause to be brought from Virginia. And though it is usually supposed that the horses of Carolina were obtained from the Spaniards, who had produced a remarkable breed in Florida, there can be little doubt that Virginia was the source of supply to this province; indeed, so much did the colonists depend upon Virginia for their horses, instead of attending to rearing them themselves, that as early as 1700 the Assembly passed an act reciting that the great numbers brought from Virginia and other northern plantations were disadvantageous and detrimental to the province, and imposing a heavy tax upon their introduction.[1] Nevertheless Dr. Ramsay tells us that before 1754 a Spanish breed called the Chickesaws were the best horses for the draught or saddle. These horses, he says, in general, were handsome, active, and hardy, but small, seldom exceeding thirteen hands and a half in height. These, when crossed

try, we will merely say that they originated from various nations. Columbus on his second voyage, in 1493, brought over with him many horses from Spain; but Cabaca de Vaca was the first person who imported horses into any part of the country now a part of the United States. He landed them in Florida in 1527. They were turned loose and soon increased wonderfully. In 1609 a stallion and six mares were imported into Virginia from England. In 1625 there were brought over a few horses from Holland to New Netherlands, now New York. The first horse brought into the State of Massachusetts was from England in 1629. In 1678 horses existed in great numbers in Louisiana, Illinois, and Texas; wild herds, of Spanish extraction, were found roaming over our western prairies when the West was first explored."—*Hist. of the Turf in So. Ca.* (1857), 24, 25.

[1] *Statutes of So. Ca.*, vol. II, 164.

with English blooded horses, produced colts of great beauty, strength, and swiftness. After 1754 the stock of horses was still more improved by foreign importations.[1] Great attention was paid to the breeding of these horses. They were trained to two gaits,— the canter and the walk, — and in these they were unsurpassed. The trot and pace were seldom used. The saddle horses were excellent hunters, and though but of medium size would seldom hesitate to take a six-rail fence at a leap. The boys and girls learned to ride upon tackies, which were often not more than ponies in size, but active, enduring, and easy gaited. The Low Country was not suited for fox hunting. It was too much cut up with marshy creeks and swamps to allow a fox chase. The great sport was deer hunting, which was carried on by clubs as a social diversion. The members met once or twice a month, by turns providing a dinner in a plain building erected for the purpose, and called the clubhouse. They met early in the day with their hounds, horses, and guns. The hounds, usually in charge of a negro, soon found the scent, and no sooner was it found than in full cry the chase was begun. The woods, says Dr. Ramsay, reëchoed with sounds more exhilarating to the party than any musical instrument. From their knowledge of the country and the habits of the deer, the hunters knew the precise course the deer would take, and in anticipation of that would take different stands, but all ahead of the game, so that the terror-stricken animal would sometimes run the gantlet of many guns; or at others, when the number was small, having missed a shot, the hunter would gallop through the woods with a swiftness exceeding that of the dogs, and reach another stand before the game approached it. The deer seldom ran its full course. He often fell before the first stand; he hardly

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 403.

ever escaped a second; sometimes he was killed by a shot from the hunter while at full speed.[1] There was one of these clubs in St. Andrew's Parish as early as 1761.[2] The clubhouse still stands on the church grounds.

The Carolinians were fond of horse-racing. As early as February 1, 1734, we find in the *Gazette* a notice of a race for a saddle and bridle, valued at £20 as the prize, mile heats, four entries. The horses carried ten stone; the riders, it was stipulated, must be white. This race took place on a green on Charlestown Neck, immediately opposite a public-house, known in those days as the Bowling Green House. The course was staked out for the occasion. In the following year (1735) owners of fine horses were invited through the papers to enter them for a purse of £100. This year a course was laid out at the Quarter House, about six miles from Charlestown, to which the name was given of the *York Course*, after the course of York in England, which was then attaining celebrity as a race ground. From year to year, racing was continued over the York Course, either in the month of February or beginning of March, the prize being generally a silver bowl or a silver waiter or a silver tankard about the value of £100 currency (about £14 sterling), the riders never carrying less than ten stone weight. Silver in some form continued to be the prize; and the silver plate of many families in the colony was considerably increased by the prizes won on the race-course. Occasionally, however, other prizes were offered. On the 11th of March, 1743, a gold watch, valued at £140, was run for; and on the 24th of February, 1744, a finely embroidered jacket, of the value of £90. In this race, each rode his adversary's horse, and the one that came in last took the jacket. On

[1] Ramsay's *Hist. of So. Ca.*, vol. II, 406.
[2] *So. Ca. Gazette.*

the second Thursday in February, 1747, a race was run at the Ponds Old Field, near Dorchester, for a very neat saddle and bridle, with blue housings, value £30, a pair of silver spoons, and some other things, — one mile, the best in three heats. Races at this place were continued for a few years. As we learn from a *History of the Turf in South Carolina*, published by the South Carolina Jockey Club, up to this time not many full-blooded horses had been imported into the province; but soon after some well-bred horses and mares were brought from England, and many planters raised their own horses. In consequence of the inconvenient distance of the York Course from Charlestown, and with a view to still further encourage and improve the herd of good horses, a new course was established, by subscription, in the year 1754, and laid out about a mile from the town. It was announced to the public as the *New Market Course*. Races took place on it for the first time on the 19th of February, 1760, under the proprietorship of Mr. Thomas Nightingale, — a Yorkshire man by birth, — the same we have mentioned in a previous chapter as establishing a cow pen, or ranche, near what is now Winsboro. This course was situated on the common on Charlestown Neck, commonly known as the Blake Tract; it occupied the whole of the unenclosed ground between the King Street road and the low ground of Cooper River, through which now runs Meeting Street road. Meeting Street road was not then laid out; the road known as the "Great Path" or "Broad Path" was that now known as King Street road. From 1760 an increased interest was manifested in the sports of the turf in South Carolina. Races were announced to take place in various sections of the Low Country. In 1768 there were races at Jacksonborough; in 1769 at Ferguson Ferry, and at Beaufort; and soon after they were in suc-

cessful operation at Childsberry, or Strawberry, St. John's Parish. The races at the last-named place were kept up by Mr. Daniel Ravenel and the Harlestons. The principal breeders of race-horses appear to have been Thomas Nightingale, Daniel Ravenel, Edward and Nicholas Harleston, Francis Huger, and William Middleton. It is probable many will suppose, says the historian of the turf, that the contests which took place up to this time had been little better than what would be regarded in the present day as scrub races; but this, says the author, was far from being the case, though many horses which ran were without pure pedigrees. The first race which produced any very unusual excitement was a match, January 31, 1769, between Mr. William Henry Drayton's horse, Adolphus, bred in Carolina, and Mr. Thomas Nightingale's imported horse, Shadow, — four-mile heats over the New Market Course. The imported horse, which was one bred in England by Lord Northumberland, beat the Carolina colt easily; and, after winning the match, challenged, without acceptance, any horse in the province. Another famous horse just prior to the Revolution was Flimnap, imported by the firm of Mansell, Corbett & Co., of Charlestown. He beat all the horses in the country, among others another celebrated horse of Mr. Nightingale's, called "Carless." He was a horse of much celebrity, and held in high estimation in England before he was brought to Carolina. Josiah Quincy, in his Journal, enters, "March 3 (1773), spent this day in viewing horses, riding over the town, and receiving complimentary visits. . . . March 16 . . . am now going to the famous races. The races were well performed; but Flimnap beat Little David (who had won the last sixteen races) out and out. The last heat the former distanced the latter. The first four-mile heat was performed in eight minutes and seventeen sec-

onds, being four miles. Two thousand pounds were won and lost at this race, and Flimnap sold at public vendue the same day for £300 sterling. At the races I saw a fine collection of excellent, though very high-priced, horses, and was let a little into the 'singular art and mystery of the turf.'"

Among the Articles of Association adopted by the Continental Congress, in 1774, the eighth pledged the subscribers to "discountenance and discourage every species of extravagance and dissipation, *especially horse-racing* and all kinds of gaming, cock-fighting, exhibitions of shows, plays, and other expensive diversions and entertainments." This was no sacrifice on the part of the Puritans of New England, where all theatrical performances were forbidden by law, and where there was no such thing as a race-course or a thoroughbred horse; but it was no little sacrifice in Virginia and South Carolina, where the theatre and the race-course were the constant resorts of all the people. But, while John Rutledge was protesting against the injustice of the prohibition of the exportation of rice, we do not find that he raised his voice to object to the suppression of amusements. The people of South Carolina, however, even while showing their willingness to fight for the cause of liberty, did not take kindly to these deprivations, and especially did they disregard and violate this prohibition of racing. So the General Assembly took up the matter, and in an act reciting the pledge of the Association upon the subject, prescribed that if any person should violate the said Association from the passage of this ordinance by any manner of horse-racing, he should forfeit the sum of money he bet and the horse he ran. Whether this act was ever enforced we do not know; but the progress of the war put a more effectual stop to the sport and dispersed the horses.

Wars and rumors of wars, says the historian of the turf, now began to have their effect upon the popular pastimes of the Carolinians. The independence of the country having been declared, no event of interest on the turf occurred for many years. Not only were all the horses thrown out of training, but, on the appearance of the British army in the Low Country, they were either used as chargers by those who had taken up arms in the defence of the country, or they were hid in the swamps adjoining the different plantations on which they were bred. But in this their owners were but partially successful. In Sir Henry Clinton's expedition to Carolina, his cavalry horses having been lost at sea, it was a matter of great consequence to find horses upon which to remount his men; and, through the carelessness of the post at Monck's Corner, Tarleton was enabled at one fell swoop to secure four hundred. The possession of some of the famous race-horses in the Low Country became the object of great prize to the contending forces, and many and most interesting incidents are brought down by tradition connected with the attempts of the British to capture them, and of the escapes of their masters, in some instances, by reason of their fleetness. Repeated efforts were made to get possession of Flimnap, then owned by Major Isaac C. Harleston; but they were unsuccessful, the negro grooms remaining faithful to their charge until he could be removed into North Carolina, one of them having been actually hanged and left as dead by a detachment of British troops, because he would not betray his trust in regard to the place of concealment of the horse; but he was cut down and recovered.[1]

[1] *Hist. of the Turf in So. Ca.* (1857), 43, 44.

Major Harleston was not at that time, however, the sole owner of this celebrated horse, as will appear by the following extract from the will of

But, as we have said, the malaria drove the planters to town every spring before the bloom of the highly scented magnolia had fairly opened; and there he remained with his family until the next hard frost, visiting his plantation from week to week, usually in his well-manned canoe, which the patroon brought for him. This collection of planters and their families during the summer months produced a society of wealth and leisure for which there must be provided entertainment; but this was of a domestic character. Public balls, concerts, and races took place then, as now, in winter — the fashionable season.

The people were as fond of indoor amusements as of field sports, and music was cultivated at a very early

John Harleston, Jr., who died in 1783, just after the Revolution, and which is given also as illustrative of the manners of the times: "Also my moiety in the above mentioned stud horse, Flimnap, as also my wearing gold watch and the old family watch I give unto my cousin, Isaac Harleston, son of John Harleston, deceased, also it is my will and desire that my negro man slave, Andrew, immediately after my death have his liberty and that he ever afterward enjoy his freedom, whom I hereby set free and manumit in reward for his great attachment to my person and interest and his ready and faithful discharge of duty to me in every capacity, particularly in the character of a groom; and to prevent his becoming an incumbrance to society or a charge to the State, by age, sickness, or accident, I hereby order and direct that the said Andrew shall always be permitted to reside upon any one of my plantations he may chuse, and I hereby give unto the said Andrew the sum of £100 annually, current money of South Carolina, according to the real value in the year of our Lord one thousand seven hundred and seventy-five, for and during the term of his natural life." — Will Book A, 188, Probate office, Charleston, S.C.

Mr. John Huger also by his will gave his servant, Mingo, his freedom and the freedom of his wife *as an handmaid*, because of his faithful service in protecting his property of which he was left in charge, and this though Mingo had not been able to save a fine breeding mare from capture by the British. Mingo, after his master's death, remained for years upon the Hagan plantation, his master's residence, keeping his horse, drawing his rations, blankets, and provisions equally with the other negroes to the last day of his life. *Hist. of the Turf in So. Ca.*, 45.

period. The *Gazette* of the 17th of February, 1733, announces that "at the Council Chamber on Monday, the 26th instant, will be a *Consort* of vocal and instrumental music. Tickets to be had at Mr. Cook's and Mr. Sanreau's at 40*s*. N.B. None but English and Scotch songs." The next year a similar advertisement appears for a *Consort* on the 19th of February (1733), with the addition that it would begin at 6 o'clock. The *Consort* was repeated this year on the 18th of December, and in January and March following two more were given. These were advertised to be for the benefit of Mr. Slater, and tickets were to be had of Mr. Stephen Bedon and Mr. Roper in Broad Street. 1735 was a gay year, notwithstanding that the good Governor Robert Johnson died in it. There were not only concerts, but a *new* theatre was opened, and this leads us to observe that there was then a theatre in Charlestown even before 1735, as the theatre opened is spoken of as the *New Theatre*, clearly implying that there had been one before. This was undoubtedly the first theatre in the American colonies, the next attempt being in 1749 in Philadelphia.[1] In the *Gazette* of February 21, 1735, we find an advertisement. "At the *New Theatre*, Queen Street, will be acted on Monday next *A Tragedy* called the *Orphan*, or the unhappy marriage;" and on

[1] In the Supplement to the *Encyclopedia Britannica* (9th ed.), in an article upon the Drama, it is stated "that Judge Daly has discovered in *Bradford's Gazette* of October, 1733, an advertisement of a merchant who announces that his store is 'next door to the Playhouse,' but his later and more minute researches lead him to believe that this Playhouse of 1733 was used principally for puppet shows and similar entertainments. But the performances given in 1750 by the Philadelphia Company are beyond all doubt, and for the first time we are on the solid ground of assured fact." But here we have the equally assured fact of a theatre in Charleston before 1735, and the performance of a Tragedy in February of that year.

the 28th is announced "By the Desire of the Troop and Foot Companies, At the *New Theatre* in Queen St., will be acted on Tuesday next a *Comedy* called the *Recruiting Officer*, with several entertainments, as will be expressed in the foot bills." For March the 12th, the *London Merchant*, or the history of *George Barnwell*, is advertised. By the end of 1735 society had advanced from the concert stage to that of a public ball. On the 22d of November we find in the *Gazette* the notice, "At the *Court Room* on Monday, 15th of December next, will be *A Ball*. To begin at 5 o'clock. No person admitted but by printed Ticket. Henry Holt, Master." In January, 1737, is advertised to be performed, "the Tragedy called *Cato*, written by the late Mr. Addison, with a Prologue by Mr. Pope. Tickets to be had at Mr. Charles Sheppeard's, Stage and Balcony Boxes 30*s*., Pitt 25*s*., gallery 5*s*. To begin exactly at 6 o'clock." From this time on we find concerts, theatrical performances, and balls constantly occurring until May 23, 1774, when the *Gazette* announces that the *American Company of Comedians* finished their campaign here on Friday last, having acted *Fifty-eight plays*, from the 22d of December last, a list of which it promised to insert in its next issue, and, accordingly, on the 30th it has quite a long review of the theatrical performances of this company, which, it says, were warmly countenanced and supported by the public, and the manager and his company excited to the most strenuous efforts to render their entertainments worthy of so respectable a patronage. If it is considered, says the *Gazette*, how late it was in the season before the house could be opened, the variety of the scenery and decorations necessary to a regular theatre, the number of the plays represented, and that almost every piece required particular preparations, it must be confessed that the exertions of the American Company have been

uncommon, and justly entitles them to the marks of public favor that have for many years stamped a merit on their performances. The *Gazette* announces that the company had separated until the winter, when the New York Theatre would be opened, Mr. Hallam, the manager, having embarked for England to engage some recruits for that service. The year after, the company proposed to perform at Philadelphia, and in the November following (that is, in 1776) we may expect them here, says the *Gazette*, with a theatrical force hitherto unknown in America. It is needless to say this expectation was not fulfilled. When the time came for their anticipated return the country was in revolution, and the battle of Fort Moultrie had been fought. In the catalogue of pieces performed during this time we find all the standard plays of the day. Of Shakespeare's there were produced "Hamlet," "Romeo and Juliet," "Merchant of Venice," "Richard III.," "Tempest," "Henry IV.," "Othello," "King Lear," "Julius Cæsar," "Macbeth," "King John." Of others, "The Mourning Bride," "She Stoops to Conquer," "Beggar Opera," "West Indian," "Fair Penitent," etc.

On the 5th of November, 1737, the *Gazette* announces that at the New Theatre on Queen Street on Thursday, the 12th, being St. Cecilia's day, will be performed a concert of vocal and instrumental music. This was probably the origin of the St. Cecilia Society, which was not organized, however, until 1762. Josiah Quincy, on his visit in 1773, attended a concert given by this society, and in his Journal describes the concert house as a large, inelegant building, situated down a yard. At the entrance he was met by a constable with his staff. To this officer he offered his ticket, which was subscribed by Mr. David Deas, who had given it to him. He was directed by the officer to proceed, and was next met by a white waiter, who directed

him to a third, to whom he delivered his ticket, — and was conducted in. The music, he says, was good; the bass viols and French horns were grand. He tells of one Abercrombie, a Frenchman just arrived, who played the first violin and a solo incomparably better than any one he had ever heard. So rich was the society that the violinist, who could not speak a word of English, had a salary from it of 500 guineas. Mr. Quincy gives a very interesting account of the entertainment. There were, he says, two hundred and fifty ladies present, and it was called no great number. In loftiness of the head-dresses, he says, these ladies stoop to the daughters of the North; in richness of dress surpass them; in health and floridity of countenance vail to them. In taciturnity during the performances, greatly before our ladies; in noise and flirtation after the music is over, pretty much on a par. If our ladies have any advantage, it is in white and red, vivacity and spirit. The gentlemen, many of them, dressed with richness and elegance uncommon with us. Many with swords on. Lord Charles Greville Montagu, the Governor, who was to sail the next day for London, was present to bid farewell to the people, among whom, notwithstanding their political differences, he had many personal friends, to whom he was no doubt sincerely attached. Mr. Quincy was presented to his Excellency by Mr. Deas, and to Chief Justice Thomas Knox Gordon, and two of the Assistant Judges recently arrived from England.

In 1784 the St. Cecilia Society was incorporated in an act which recites that its members, by voluntary contributions, had raised a considerable fund, which was out at interest on bonds, and had collected a number of musical instruments, books, and other property for the purpose of encouraging the liberal science of music. This Society has had a continuous existence until to-day. It has lost

its musical characteristics, but has preserved that of a social organization of the highest standing.

There were billiard tables in the colony as early as 1734. One is advertised for sale at Ashley Ferry in the *Gazette* of June 1st of that year.

Charitable societies were almost coeval with the Royal government, and in almost every instance education was a part of their work. Both Hewatt and Ramsay mention the South Carolina Society, founded about 1737, as the oldest of this class; but there were two others older. A number of gentlemen, in the year 1729, formed themselves into a society for the purpose of cultivating and maintaining a good understanding and acquaintance with one another, and, as most of the members were natives of Scotland, they named the society the *St. Andrew's Club*. They did not, however, limit its membership to the natives of Scotland, but declared that "any man of honor and integrity, of what nation, degree, or profession so ever, was admissible." On St. Andrew's day, 1730, Alexander Skene was elected their first president; and, as might have been expected in a society formed under the auspices of one so devoted to education as he appears to have been, a portion of the funds of the Society were appropriated to school purposes, and twenty children at a time were educated at its expense. We find in the *Gazette* of the 28th of April, 1733, a notice that "on Monday last (*i.e.* 23d) was established the *St. George's Society*, in honor of the Patron of England, and John Bayly was chosen president; and at night they had an elegant supper at the house of Mr. Robert Raper." We have had occasion in the last chapter to give an account of the South Carolina and Winyaw Indigo Societies. The Fellowship Society was begun on the 4th of April, 1762, — that day being a Sunday, — but the day of meeting was fixed for Wednes-

days. It was no desecration of the day, however, that the Society was begun on a Sunday, for it truly had good works for its object. Its original purpose was that of founding an infirmary, or hospital, for the reception of lunatics and other distempered and sick persons in the province. It was incorporated in 1769, under the name of the *Fellowship Society*, and had then collected, by small contributions from time to time, a considerable sum of money. There had been but one attempt before this to establish a lunatic asylum in the country, and that was a provision of a separate ward for the insane in the Pennsylvania Hospital in 1752.[1] This Society also had its school. The *German Friendly Society* was organized on the 15th of January, 1766, at the house of Michael Kalteisen, in Charlestown. Its membership was restricted exclusively to Germans, or those born of German parents. This Society also in time opened and maintained a school. Later (1777) the *Mount Zion Society* was established for the purpose of providing a school in the Camden district, at what is now Winnsboro; and in the same year the *St. David's Society*, for a similar purpose, in the Old Cheraws; and the next year the *Catholic Society*, for the same purpose, on the Wateree. All these societies had large funds, almost all of which were preserved and increased until destroyed in the late war between the States. There was also a Welsh Club; but we know nothing more of it than a notice in the *Gazette* of rather an uproarious meeting on St. David's day, 1735, upon which occasion some members fired off guns after dark, contrary to the law.

Societies were formed also for other than social, charitable, and educational purposes. On the 13th of December, 1735, a notice appears that gentlemen who are willing to enter a society for the mutual insurance of their houses

[1] W. W. Godding, M.D., *Am. Journal of Insanity*, October, 1884.

against fire are desired to meet at the house of William Pinckney[1] on the Bay, on Tuesday next at 5 o'clock in the afternoon to enter into articles to carry out the design. On January 3, 1736, Jacob Motte, James Crokat, and Henry Peronneau advertise that the Rules are engrossed and ready for signature. They state that the proposed value of those who had subscribed amounted to about £100,000. The Society was organized on the 3d of February, under the name of the *Friendly Society;* John Fenwicke, Samuel Wragg, and Charles Pinckney were chosen Directors; John Crokat and Henry Peronneau, Merchants (*sic*); Gabriel Manigault, Treasurer; Gereit Van Velesen and John Laurens, Fire Masters. This was the first fire insurance company in America; the next being the *Philadelphia Contributorship for the Insurance of Houses against Losses by Fire*, at the head of the Directors of which stood Benjamin Franklin, and which was founded in 1752.[2] Of the Charlestown Library, and its influence as a centre of culture, we have already spoken.

There were fashionable taverns, too, where entertainments were had, and which the gentlemen of leisure frequented. Mr. Dillon's, at the corner of Church and Broad streets, — "the corner" as it was afterward called, — and Mr. Poinsett's, on the Bay, were the chief of these. It was to these houses that the processions from the Liberty Tree, in honor of Wilkes and of the Massachusetts anti-rescinders, marched, and there the men went in to refresh themselves; and there they met to discuss the affairs of the day.

There was a court circle in the province. The popular Governor, Sir Nathaniel Johnson, and his son, the good Governor Robert, their Excellencies Charles Craven, James

[1] A brother of the Chief Justice Charles Pinckney.

[2] Supplement to *Encyclopedia Britannica*, title "Insurance."

Glen, William Henry Lyttleton, and, at first, Lord Charles Greville Montagu, were the heads of society as well as of the government. Thomas Boone was not, for he was a man of dissolute character, and his early quarrel with the Assembly ostracized him socially as well as politically. Around the Governors were the families who, for the hundred years of the colonial history, had been deputies of the Lords Proprietors and members of the King's Council. First of all were the Bulls, — not only councillors, but Lieutenant Governors, — father and son governing the colony for many years. Then the Colletons, Middletons, Blakes, Broughtons, Smiths, Wraggs, Draytons, Kinlochs, Izards, Clelands, Fenwickes, Warings, Elliots, and Pinckneys. The Speakers of the House of Commons were also persons of great social consequence. Charles Pinckney, Andrew Rutledge, Benjamin Smith, Peter Manigault, and Rawlins Lowndes successively filled the chair in the House, and took each his part in the great duties of his position. Associated with them were the government officials, who came with appointments from England, — at least this was the case until these offices, as well as that of councillor, became prostituted to partisan purposes, — the gratification of ministerial favorites and the rewards of doubtful services which could not be recognized at home. The Chief Justice and the Assistant Judges, the Attorney General and the Provost Marshal, or his deputy, and the Collector of Custom were persons alike of social, as of official, importance. We have seen how Chief Justice Pinckney was put aside to make way for Peter Leigh, who had to be provided for by the corrupt administration of Pelham; but Peter Leigh was a gentleman as well as a good lawyer, and his son Egerton, afterward made a baronet, and himself occupied a high social position in the colony, though doubtless the circumstances of their advent

had much to do with preparing the way for the reception of revolutionary sentiments. Hector Berenger de Beaufain, a Frenchman by birth, who came out in 1733 as collector of his Majesty's customs, a man of education and accomplishments, endeared himself to the people by the just administration of his public office and the example of his private virtues. He was a most important man in the colony for thirty-three years, a part of the time in the Council, and exercised a great social influence. He was honored after his death with a tablet in the old St. Philip's Church. The officers of the British army and navy were great social favorites. We have seen how Colonel Montgomery's troops, who came to the temporary assistance of the colonists in the first Cherokee war, were welcomed by the people in 1760. Colonel Grant, who commanded the next detachment, and the expedition of 1761, was inclined to put on a good many airs, and to treat the provincial officers with little respect; but this conduct was promptly resented by Colonel Thomas Middleton in a way that led to the duel we have mentioned, in which the position of the provincial officer was fully established. Colonel Probarth Howath, a provincial officer who was long in command of Fort Johnson, appears to have been quite a favorite. The names of two naval officers are preserved in the streets of Charleston; Lord George Anson, the famous circumnavigator, between the years 1724 to 1735, was stationed chiefly on the Carolina coast, and was much given to card-playing. The tradition is, that the part of the city through which Anson Street now runs was purchased by him out of his gains at the card-table — a modification of this is that he won the whole tract in one game. The tract was called Ansonboro, and, as we have said, was the first suburb of the town.[1]

[1] This story has taken form in the *Encyclopædia Britannica*, that "a town and county, named Ansonborough, commemorate his residence there."

Sir Peter Warren, another British admiral, was stationed at Charlestown as a young man and purchased lands in the vicinity of what is now Warren Street.

It is the common belief that at convivial parties among gentlemen in the last century there was a great deal of heavy drinking, and there is no doubt much truth in it; but there was little drunkenness. An examination of an old book containing copies of business letters dating from 1763 to 1773 shows many pipes of wine and casks of Madeira in bottles received for parties ordering, all coming by ship from England. Madeira became known and fashionable in England, owing to the strong recommendation of officers who had served in the West Indies and America; and Charlestown was the place from which its reputation chiefly came. A glimpse at the convivial habits of this time is given in a sketch of a wine party still preserved in a family in Charlestown from 1760. The party consists of eight persons, each one named and his likeness given as far as possible, although the artistic merits are not conspicuous. Of the number five are officers of Fort Johnson, including the colonel commanding, three are civilians, including the host — himself one of the most prominent men of the times. They are seated around a square table, upon which are a punch-bowl, several bottles, and two decanters; one of the glasses is broken and lying on the table. The half-burned candles show the time to be late at night — a fact which is corroborated by the black servant boy leaning his head against the wall overcome with sleep. There is much merriment, each one saying something, or, rather, all talking at the same time, as participants in convivial parties usually do. But the scene is an orderly one withal, and indicates that excessive drinking was by no means the fashion.

Diaries were frequently kept. One, by the wife of a

distinguished merchant, contains a record of births, deaths, and marriages of friends of the writer. Guests arriving — occasionally breakfasting and frequently dining, supping, or taking tea, all of whom are named — are numerous. Governors Glen and Lyttleton, with other guests, dine with the family; Governor Boone does not appear in the diary. Attendance at private and Assembly balls and at the play, with lists of plays performed. Attendance on Whitefield's preaching. Sitting for a portrait by Theus. Arrival of troops. Marching of troops. Officer's ball. Rejoicing for captures of Cape Breton and Quebec. No dinner to the Governors after 1770, when the trouble with the mother country had become serious, though Lord William Campbell was connected with the family.

But we are still more fortunate in having a most admirable and entertaining picture of social and domestic life in South Carolina during the period from 1737 to the Revolution in a work recently published.[1] This most valuable book contains a number of hitherto unpublished letters written by Eliza Lucas, afterward Eliza Pinckney, the wife of Chief Justice Charles Pinckney, depicting, in great detail and with an indescribable charm, the manners, customs, and modes of life of her day — presenting, unconsciously, a work of decided historical as well as of great personal interest. The letters have the great additional fortune to be most admirably edited by a descendant of Eliza Pinckney, who unites in herself probably more historic strains than any other person — save her own children — in South Carolina; and whose literary work shows her worthy of her illustrious ancestry.

A marked difference between the people of South Carolina and the other colonies was in their intercourse with

[1] *Eliza Pinckney*, Women of Colonial and Revolutionary Times (Harriott Horry Ravenel), Scribner Series.

England. As late as 1795, says Professor McMaster, a gentleman who had been abroad was pointed out in the streets, even of the large cities, with the remark, "There goes a man who has been to Europe."[1] There were few gentlemen in South Carolina who had not been to Europe. We have seen how their sons were constantly sent abroad, either to Scotland or England, for their education. Their parents often went to take them there; not unfrequently, as in the cases of Chief Justice Pinckney, and Mr. Henry Laurens, and Mr. Ralph Izard, the parents took up their residences in England to supervise the education of their children. The merchants, too, went constantly to order in person their goods. The people of means, whether for business or pleasure, were continually coming and going between Charlestown and London. A voyage usually took from six to eight weeks, though at times it was accomplished in a month. The favorite packets were the *Beaufain*, Captain Daniel Curling, and the *London*, Captain Alexander Curling, and the *Little Carpenter*, so named after the Indian chief, Captain Maitland. But Captain Daniel Curling was the favorite of all. He was slow, but considered sure, and could obtain freight while other vessels were idle; and his cabin was preferred by all who wished to cross or recross the Atlantic. He seldom sailed or arrived without a full company of Carolinians.

A traveller in the country immediately after the Revolution, whose statement, however, must be taken with caution, as he was much prejudiced, but the truthfulness of whose picture of the state of society and manners of the people of the colonies has been fully recognized, describes the planters and merchants of South Carolina as well bred; the people strong and expensive in their dress; everything conspiring to make Charlestown the liveliest,

[1] *Hist. of the People of the United States* (McMaster), vol. I, 51.

the pleasantest, and the politest place, as it is one of the richest, in all America. The large fortunes, he says, that have been acquired in the city from the accession and circulation of its trade, must necessarily have had great influence on the manners of the inhabitants; for of all the towns in North America, it is the one in which the conveniences of luxury are most to be met with. Says another, a more recent writer, the planters were travellers, readers, scholars; the society of Charlestown compared well in refinement with that of any city of its size in the world; and English visitors long thought it the most agreeable in America.

The merchants of Carolina, as we have seen, unlike those of New England, were prospering and contented, and the planters were growing rich. But the very wealth of the province bore with it the seeds of dissatisfaction. While the merchants themselves were busy in their trade, and the planters with their ever increasing crops, they themselves felt no cause of complaint. They were content with their gains and cared little for the spoils of office, which were enjoyed by the placemen whom the government were now sending out to fill the best offices in the province. They had, few of them, any ambition for these things themselves. But for twenty-five or thirty years before the Revolution, they had been sending their sons to Europe for education, and these, coming home highly educated men, many of whom had been admitted to the most aristocratic circles in England, and filled with ambition, were not content to see insignificant, incompetent, and sometimes vulgar and insolent strangers filling the places for which they felt themselves equal, and to which they considered they had a right to aspire. The case of Chief Justice Pinckney was a warning to them that native character and ability were of no account when places were

to be found in the colonies with which to reward party services at home. Coming from Westminster, where they had been accustomed to see Mansfield and Camden presiding, they turned with disgust from the court in which Shinner the buffoon sat and disgraced the Bench. The seats in the Governor's Council, in which their fathers and grandfathers had sat, bringing to the service of the Crown, without pecuniary reward, wisdom and ability, and the most devoted loyalty, were now filled by henchmen who had come over to Carolina for the sake of a few paltry pounds. The planters themselves, too, had begun to think that with their wealth the honors of the State should be open to them. Josiah Quincy records that he heard several of them say, "We none of us, when we grow old, can expect the honors of the State; they are all given away to worthless poor sycophants." This was the canker which had begun to sap the loyalty of the people of Carolina.

The society of Charlestown was in a more developed condition, perhaps, than that of any city of America — unless it was that of Philadelphia. This will appear when we recall that in buildings, Burke described St. Philip's Church, built in 1724, as exceeding everything of the kind in America; that the first theatre in America was that in Charlestown, in 1735, the next being that in Philadelphia in 1749; that the music of the St. Cecilia Society was the finest to be heard; that the first attempt at a Public Library was in Charlestown, in 1698, and the Charlestown Library Society, organized in 1743, was the second subscription library, the first being the Philadelphia Library, 1730–42 — those of Henrico, Virginia, 1623, and of Harvard, 1633, having been but clergymen's libraries, given to colleges, and in no sense public libraries; that the first fire insurance company was the Friendly Society,

organized in Charlestown in 1735, the next being in Philadelphia, in 1752; that the Fellowship Society was but the second attempt in America to make provision for lunatics; that there was a Chamber of Commerce in the town as early as 1774; and that there were more newspapers in South Carolina, in proportion to the population, than in any other colony. Charlestown is said, of all the American towns, to have approached most nearly to the social refinement of a great European capital.[1]

It was in this prosperous and happy condition of society that the agitation over the Stamp act began, which was to rend and divide the people, and, ultimately, to desolate the province. But out of which desolation the State of South Carolina was to emerge, her independence having at last been in a great measure achieved by the valor and ability of her own sons when practically deserted by the Congressional government of the revolted colonies.

[1] *England in the Eighteenth Century* (Lecky), vol. III, 314.

CHAPTER XXVII

1765

Questions of greater magnitude than those involved in the controversy with Governor Boone in South Carolina were agitating the northern colonies at this time, in which this province, however, had little material interest; but in which the insolent conduct of Governor Boone disposed some of her citizens to concern themselves, and to espouse the cause of her sister colonies.

The political struggles in South Carolina, since the establishment of the Royal government, had been all of an internal character. The overthrow of the Proprietary rule by the people in 1719 had aroused them to a sense of their power — a power which they were intent upon exercising and extending. As yet they had had no controversy with his Majesty's government; but there had been a steady growth of the power of the Assembly, or Commons. This power had sometimes been extravagantly asserted, and, at others, unwarrantably exercised. The Commons had claimed to be omnipotent and independent, even of the judiciary. It constantly denied and resisted the control of the Council. The Council, on the other hand, had been equally intent upon the exercise of their power, which they conceived to be coequal in the province with that of the House of Lords in England. Resisting, on the one hand, the pretensions of the Commons, on the other they had taken the decisive step of excluding the Governor from their deliberations as an Upper House, thus separating and defining their executive and legislative capacities. These

struggles had taken their tone and color from the tenor of political thought in England; but the occasions upon which they arose here were produced and influenced by the course of events which were peculiar to the development of affairs in the province. Through these all — right or wrong — there had been a steady advance in the establishment of governmental and constitutional rule, and the principles which had been so zealously, if at some times extravagantly, asserted, were now to be applied to the greater questions which were arising with the mother country, and involving all the colonies.

The policy of England had been one of protection alike of her shipping interest and of her home industries, not only against foreigners, but against her own colonies as well as against Ireland. In this general policy she did not differ from other European governments. The establishment of colonies in America by nations of Europe, as it has been observed, was not with a view of building cities and extending empires, but for the purpose of carrying on trade; commercial monopoly was, therefore, the leading principle of colonial intercourse. To secure to themselves respectively the most important of the productions of their colonies, and to retain to themselves exclusively the great advantage of supplying those colonies with European goods and manufactures, was the chief aim and endeavor of them all.[1] During the Commonwealth Cromwell had imposed restrictions upon the commerce of the colonies, which particularly affected the West Indies, and was regarded by the Royal adherents there as designed for their special punishment, and these they had hoped, upon the restoration, would be at once removed; but, on the contrary, they were confirmed and permanently established by the Navigation act of King Charles II. This act pro-

[1] Edwards's *Hist. of West Indies*, vol. II, 367.

hibited the importation or exportation of any goods or commodities into or out of his Majesty's plantations except in ships belonging to the subjects of England, or in such as were built in and belonging to the plantations, and where the master and three-fourths of the marines were English subjects. It prohibited, also, any goods or commodities of the growth or manufacture of the colonies to be imported into England in any other ships than those belonging to England or to the plantations, and navigated as above. The act also prohibited the commodities therein mentioned, to wit: sugars, tobacco, cotton, indigo, ginger, fustic or other dyeing woods of the production of any of the English colonies to be exported therefrom to any place except to some other English plantation or to England, Ireland, Wales, or Berwick.[1] The commodities named in the act were known as the *enumerated* articles. To these "enumerated" articles rice and molasses were added by Statute 3 and 4 Ann.

So far these restrictions were apparently injurious to the southern colonies, and favorable to the northern. They were favorable to the New England ship-building interest and to the New England sailors; but there was no ship-building of any consequence in South Carolina. It may be recollected that Sir Nathaniel Johnson, Governor, had reported, in 1708, that there were not then above ten or twelve sail of ships belonging to the province, about half of which had been built here.[2] Ramsay tells us that about the year 1740 the Carolinians began seriously to attend to ship-building; five shipyards were erected, — one in Charlestown, three in the vicinity, and one at Beaufort, — and that in them twenty-four square-rigged vessels, besides sloops and schooners, were built between the years

[1] *Statutes of the Realm*, vol. V, 247.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 479.

1740 and 1779.[1] The *Gazette* of October 25, 1773, in noticing the launching of a ship at Hobcaw, near Charlestown, boasts that we have now twelve Carolina built ships employed in the trade between Charlestown and Europe. This was the extent of South Carolina's ship-building. It had made but little progress in sixty years.

But the restriction upon the export of rice and indigo and cotton was calculated to check the production of these her staple commodities, while, under the Navigation acts, the non-enumerated articles, the productions of the northern colonies, were allowed to be exported to foreign nations without any other restriction than that they should be sent in ships built by themselves or in England, and chiefly manned by British subjects. But there was another sphere in which the commercial restrictions fell heavily upon the northern colonies. The southern colonies were agricultural; the northern colonies were not. The northern colonies were destined, by their climate, to be a manufacturing and commercial people; but this was just what the policy of England intended to prevent. Before the end of the seventeenth century the northern colonies had begun the manufacture of woollen goods. This was at once checked. In the same year that rice was put upon the enumerated list, it was enacted by Parliament that "no wool or manufacture made of or mixed with wool, being the produce of English plantations in America, shall be loaden in any ship or vessel upon any pretence whatever, nor loaden upon any horse, cart, or other carriage to be carried out of the English plantations to any other of the said plantations, or to any other place whatsoever." South Carolina might send her rice to any of the English colonies or to England; but Massachusetts could not send a yard of woollen cloth to Connecticut or

[1] *Hist. of So. Ca.* (Ramsay), vol. II, 265.

Rhode Island. Pennsylvania possessed iron, and the New England colonies the timber for ship-building. In the interest of the English manufactures Parliament, in 1719, resolved "that the erecting of manufactures in the colonies tended to lessen their dependence upon Great Britain," and passed a measure that none of the American colonies should manufacture iron of any kind, that no smith might make so much as a bolt, a spike, or a nail, and that no forge should be erected in any of the colonies for making "sows, pigs, or cast iron into bar or rod-iron." The King's arrow was placed upon all pine trees of requisite dimensions for masts, reserving them for his Majesty's navy, and bounties were given for the import from the American colonies to England of tar, pitch, hemp, masts, and yards. The means of ship-building were thus, in a great measure, restricted, and the materials for it taken to England. The finest furs abounded in New England; but no sooner had they begun to make them into hats than the English hatters took the alarm, and Parliament, in 1732, made a law forbidding the exportation of American hats not only to foreign countries and to the mother country, but even from one colony to another.[1] These were the real causes of discontent in the northern colonies, as they had been in Barbadoes more than a hundred years before.[2] It suited the movers of the Revolution, as it has been said, to raise the question as to the abstract right of taxation without representation; but students of the history of the times now generally agree that no mere dogma of government, however excellent of itself, could have aroused rebellion against the mother country. Says Mr. Sabine, in the introduction

[1] *England in the Eighteenth Century* (Lecky), vol. II, 8, 9, quoting Macpherson's *Annals of Commerce*, III, 72, 73; *The American Loyalists*, by Lorenzo Sabine, 5.

[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 212.

to his work on *The American Loyalists*, it has been common to insist that questions of "taxation" and "points of abstract liberty" produced the momentous struggle which dismembered the British Empire; but the State papers of the period, he points out, teach nothing more clearly than this, that almost every matter brought into discussion was *practical* and, in some form or other, related to labor, to some branch of *common industry*. There were twenty-nine laws which restricted and bound down colonial industry; but none of these touched in the least an abstraction, and hardly one of them, until the passage of the Stamp act, imposed a direct tax.[1] And so, says Lecky, the political alienation which was the inevitable and most righteous consequence of these laws had already begun, and it is to the antagonism of interests they created, more than to the Stamp act, or to any isolated instances of misgovernment, that the subsequent disruption must be ascribed.[2] Mr. Sabine adds that these laws were aimed at the North, and England had lost the affection of the mercantile and maritime classes of the northern colonies full a generation before she alienated the South. They forbade the use of waterfalls, the erecting of machinery, of looms and spindles, and the working of wood and iron; they shut out markets for boards and fish, and seized sugar and molasses, and the vessels in which these articles were carried; and they defined the limitless ocean as but a narrow pathway to such of the lands that it embosoms as wore the British flag. These restrictions were not felt by the southern colonies. The people of this section were neither manufacturers, ship-owners, nor sailors. And though rice had been put on the enumerated list, it was by act of King George II. permitted to be carried from South

[1] *The American Loyalists* (Sabine), 2.

[2] *England in the Eighteenth Century* (Lecky), vol. II, 11.

Carolina to any port of Europe southward of Cape Finisterre — a privilege afterward extended to North Carolina and Georgia. This was considered a great indulgence, in view of the generally accepted colonial policy of Europe of the times. It opened to South Carolina rice the whole of the Mediterranean ports, besides those of Spain and Portugal, without passing through the hands of the middlemen of England.

Again, the trade of New England with the French West India Islands, and with the Spanish settlements for molasses and sugar in exchange for New England timber, had been one of the most lucrative branches of New England's commerce. As has been said, no trade could have been more beneficial to both parties; and the New Englanders maintained that it was the foundation of their whole system of commerce. But, in the interest of the English sugar colonies in the West Indies which desired a monopoly of their molasses and sugar, and which, at the time, were incapable of furnishing a sufficient market for the superfluous articles of American commerce, a prohibitory duty had been imposed, in 1733, upon these articles imported into any of the British plantations from any foreign colony. No portion of the commercial code was so deeply resented in New England; and its effects would have been ruinous had not the law been systematically eluded, with the connivance of the revenue officers, and had not smuggling assumed almost the dimensions of regular commerce.[1]

Grenville's determination to enforce these provisions of the law was a most serious injury to the prosperity of New England. A trade which was in the highest degree natural and beneficial, and which had been pursued with scarcely any hindrance, was now impeded with the avowed object of raising a revenue by imperial authority. As has been

[1] *England in the Eighteenth Century* (Lecky), vol. II, 10; III, 334.

said in this connection, the most arbitrary new enactments hardly provoke bitterer discontent, a keener sense of injustice and hardship than the sudden revival of laws that have lapsed into desuetude. Again, the colonies were allowed to import no tea except from the mother country, and, though it was computed that a million and a half pounds of tea were annually consumed by them, estimated at £300,000 annually, not more than a tenth part came from England. Indeed, it was said that nine-tenths of all the tea in the colonies were smuggled, not one chest in five hundred of that which was landed in Boston fell into the hands of the officers of the customs.[1] This Grenville determined to stop. New revenue officers were appointed, with more rigid rules for the discharge of their duties, and English ships of war were stationed off the American coast for the purpose of intercepting smugglers. But with all this South Carolina was not concerned. Governor Glen had reported but a few years before, "There is no country where there is less illegal trade, at least so far as I can learn, though if there was any it would be difficult to prevent, by reason of the great numbers of rivers and creeks, and the small number of officers of the customs."[2] No man was more beloved in the community of South Carolina than Hector Berenger de Beaufain, who was collector of the King's customs for twenty-four years (1733–57). A monument erected in St. Philip's Church by "his fellow-citizens of the province" bore witness to his "unshaken integrity in the discharge of his public trust. Never relaxed to the prejudice of the Crown revenue. Never vigorously enforced to the oppression of the innocent." With such relations between the collector of

[1] *England in the Eighteenth Century* (Lecky), vol. III, 333; *The American Loyalists* (Sabine), 47.

[2] *Documents connected with So. Ca.* (Weston), 87.

the revenue and the people, there was no need of ships of war off Charlestown harbor to prevent smuggling. With the great trade which was going on between Charlestown and London, and with the privilege of shipping their rice to Spain, Portugal, and the Mediterranean, the Carolina planters were doubling their capital every three or four years, and were willing to pay for their sugar and tea in the regular course of business. South Carolina was prospering, and these restrictions did not annoy her people. But, under Gadsden's lead, a party in Charlestown, principally the mechanics, listened to the complaints of the New Englanders, and Governor Boone's unfortunate administration aroused a spirit which was ready to take offence. The cause was soon given.

The Stamp act was passed in 1764. This act was impolitic and unwise; but its constitutionality was fairly an open question — a question upon which the best constitutional lawyers might, and did, differ. The position of the American colonies presented the question of taxation and representation in an entirely new aspect — an aspect which was anomalous. The act was imposed by the mother country on the colonies, avowedly at least, to provide for the expense of defending them.

At the close of the war with France, which had left England overwhelmed with additional burdens, the whole resources of the British Empire had been strained for the extension and security of the British territory in America, by which, says Lecky, the American colonists had gained incomparably more than any other of the subjects of the Crown; the colonies were asked to bear a share in the burden of the Empire by contributing a third part — they would no doubt ultimately have been asked to contribute the whole — of what was required for the maintenance of an army of ten thousand men, intended, primarily, for

their own defence. One hundred thousand pounds was the highest estimate of what the Stamp act would annually produce, and it was rather less than a third part of the expense of the new army. This was what England asked from the most prosperous portion of her Empire. Every farthing of which, it intended to be raised in America; it was intended, also, to spend here.[1]

When the Cherokee War broke out the people of South Carolina loudly called for military assistance from England, and great was the joy, as we have seen, when the British troops, under Colonel Montgomery, arrived in compliance with Lieutenant Governor Bull's appeal for aid. But who was to pay for the support of these troops while defending the frontiers of this province? If the colonies could not be taxed to do so, then the expense must be met either by the voluntary contributions of the colonial Assemblies or by the people in England under taxes imposed by Parliament. Experience had shown that the colonial assemblies could not be relied upon for the support of the British troops serving in defence of the provinces. It was impracticable, even had the colonial Assemblies been willing to tax themselves for this purpose, for there was no general body to lay and apportion their contributions. This practical difficulty was fully exemplified and developed in the Confederacy during the Revolution, and was the cause and origin of the establishment of the present Union. Such a tax would have required the assent and concurrent action of the thirteen different colonial Assemblies, or the support of the army would have devolved upon the colony in which it was for the time serving. Was it just, on the other hand, that, by reason of these practical difficulties, the colonies should have the benefit of the defence of the military and naval forces

[1] *England in the Eighteenth Century* (Lecky), vol. III, 340.

of Great Britain and contribute nothing to their support, because they had no representation in Parliament? Were the colonies to have the advantages of being a part of the Kingdom of Great Britain and contribute nothing to the common expenses?

The analogy in regard to Ireland, which had not been taxed because, as alleged, it was not represented in Parliament, surely could not hold. In the first place it was begging the question to say that because Parliament had never attempted to tax Ireland, it had not the right to do so. That the attempt to tax Ireland had not been made was a strong inference against the wisdom and policy of doing so, which applied, with much force, against the policy of attempting it in America. But that was all. Ireland had been a distinct sovereignty and nationality, and its connection with England was that of a union of states. It had a Parliament of its own — a body which could act for the whole people. On the other hand, the colonies had originated as corporations under charters. An Englishman migrating to the colonies did not bring with him all, either of his political or civil rights, as was claimed. The common law of England, says Mr. Justice Story, is not to be taken in all respects as that of America. Our ancestors brought with them its general principles, and claimed them as their birthright; but they brought with them and adopted only that portion which was applicable to their situation.[1] Acts of Parliament of England, as again we have seen, were not applicable to the colonies, unless made so by their express terms or reënacted by the colonial assemblies.[2] An Englishman coming to America abandoned many of his rights under these, and submitted himself to the provisions of the charter of the colony to

[1] *Van Ness* v. *Pacard*, 2 Peter's Reports, U. S. Supreme Court, 144.
[2] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 517–519.

which he came. Under the charters of South Carolina the Lords Proprietors, who resided in England, were authorized to establish ports of entry and to assess and impose customs and subsidies for goods imported; and when the government of the Lords Proprietors was overthrown and the King had been called upon to take the immediate government in his own name, and the King had accepted the offer and Parliament had confirmed it, surely putting the Royal authority upon no higher ground, the King and Parliament had at least succeeded to nothing less than the rights of the Proprietors under the charter.

But, supposing that a native English colonist had brought with him all the rights pertaining to him as an Englishman living in England, how could the Huguenot, and the Palatine, and the Swiss, who had come out as beneficiaries of the English government, claim constitutional freedom from taxation unless represented in the Parliament of England? Had they brought any such right with them when they reached England as refugees from their native lands? Or did they acquire it on the brief sojourn they were allowed to make in England before being sent to Carolina? The answer to these questions is clear. The Huguenot was not even recognized as a citizen of England upon his arrival in Carolina. His recognition as such by Sothell was repudiated by the King. Could the Frenchmen, asked the English colonist, expect to "have equal justice with Englishmen and enjoy the same privileges"?[1]

Again, an Englishman could not be taken out of England for trial; but it was expressly provided in the charter of Carolina that the inhabitants should not be compelled to appear or answer to any suit or plaint out of the province, *other than England or Wales*. So by the charter a

[1] *Hist. of So. Ca. under Prop. Gov.* (McCrady), 233, 234, 238.

colonist of Carolina could be carried for trial to England or Wales; and, under it, Culpepper had been indicted and tried in England, where he was arrested for high treason for raising a rebellion in Carolina.[1] In 1724 the law officers of the Crown had given their opinion that a colony of English subjects could not be taxed but by some representative body of their own or by the Parliament of England, and a similar opinion was given in 1744 by Murray, afterward Lord Mansfield, who was, however, it should be said, one of the strongest advocates of the Stamp act and the most vehement opponent of its repeal.[2] In a few years, says Lecky, the colonial lawyers appear to have agreed substantially with those of England, for in order to establish by argument the sole right of their assemblies to tax the colonies, they were driven to the necessity of denying that the Imperial Parliament had power to legislate for them upon any subject whatever.[3] This doctrine undoubtedly was maintained in New England, but it was never countenanced in South Carolina. No lawyer in South Carolina ever advanced such an opinion; on the contrary, it was strenuously denied by them.

But, on the other hand after all, as it has been said, the Stamp act, although by no means as unjust or as unreasonable as alleged, and although it might perhaps in some periods of colonial history have passed almost unperceived, did unquestionably infringe upon a principle which the English race, both at home and abroad, have always regarded with peculiar jealousy. The doctrine that taxation and representation are in free nations inseparably connected, that constitutional government is closely connected with the

[1] *Culpepper's Case*, Ventri's Reports, vol. I, 349; *Political Annals of Carolina* (Chalmers), Carroll's *Coll.*, vol. II, 306.

[2] *Lives of the Chief Justices* (Campbell), vol. II, 357.

[3] *England in the Eighteenth Century* (Lecky), vol. III, 343.

rights of property, and that no people can be legitimately taxed except by themselves or their representatives, lay at the very root of the English conception of political liberty.[1]

A great political dilemma presented itself. The mother country was called upon to protect with her ships and arms the territory and commerce of the colonies in America. The expense of this should, at least in part, be borne by the colonies themselves. But the colonies had no means, nor any desire themselves, to impose a general tax for the purpose, nor were they willing to be taxed by Parliament in England. With great force they denied the right of taxation without representation, but at the same time they took every occasion to declare, as we shall see, *that they were not and could not be represented in Parliament.* If, then, there could be no taxation without representation, and there could be no representation, should there be protection without taxation?

On the other hand, was it not a violation of the fundamental principle of constitutional government for Parliament in England to tax the colonies under the circumstances? It was urged with great force that under the unequal system of representation in England many communities and thousands of Englishmen living in England were no more represented in Parliament than the colonists in America. But though this was doubtless true, there was an essential difference in the two cases. The unrepresented communities in England were still near the seat of government, and could make themselves heard and felt, nor were their interests disconnected with those who were actually represented. The colonists were thousands of miles away across the ocean, and once the right of Parliament to tax them was admitted, they would

[1] *England in the Eighteenth Century* (Lecky), vol. III, 353.

become the common prey of all parties in England. The tax proposed was neither unjust nor unreasonable; its insignificance — but £100,000, as we have seen, were expected from it — was indeed one of the elements of suspicion in the case. Plans for the regulation of the colonies had been suggested from time to time by subordinate ministers, but they had been set aside alike by the prudence of Walpole and the generosity of Pitt. But now, seeing that no great relief could be obtained from the financial pressure at home from this paltry sum, it was believed by many that the scheme of Townshend was but a pretence of taxation, that its real purpose was the assertion of a right of restraint and control of the colonies. It was believed by others that once the principle of taxation of the colonies was established, and admitted by the colonies, they would be made to pay for every piece of extravagance and corruption which could not be imposed on those at home.

The question was not a new one. The Stamp act had now revived it, but it was as old as the Navigation act. More than a hundred years before, the Barbadians, in resisting the latter, had declared "*they totally disclaimed the authority of the British Parliament, in which they were not represented.*"[1] Edward Randolph, the Collector of the King's customs, as early as 1695 pointed out that resistance to the navigation laws would end in independence, and believed even then that that was its purpose.[2]

It is a curious historical fact, nevertheless, that the Americans, who so resented the principles of protection to British commerce under the Navigation acts, and of

[1] Poyer's *Hist. of Barbadoes*, 53–55; *Hist. of So. Ca. under Prop. Gov.* (McCrady), 212.

[2] *Colonial Records of No. Ca.*, vol. I, 461; *Hist. of So. Ca. under Prop. Gov.* (McCrady), 294.

taxation without representation under the Stamp act, have in practice acted upon both principles in their own government. The principle of protection of certain classes and industries, which must necessarily inure to the detriment of all others, has been practised in their enactments and revenue measures from the establishment of the Union to the present day. In their territorial government — the territories occupying the same relation to the United States as the colonies did to Great Britain — and in the District of Columbia taxes are laid and collected by the general government upon the people, who are without representation in Congress. The territories, it is true, are allowed to send delegates to Congress, but these delegates, while allowed to debate, are not allowed to vote, and thus have no power to give or withhold the money of their constituents. The people in the District of Columbia have not even that semblance of representation.[1] If it was

[1] *Revised Statutes of the U. S.*, sec. 1862. In the case of *The American Insurance Co. et al* v. *Canter*, 1 Peters, 511, involving the relation of the people of Florida, upon its cession by Spain, the Supreme Court of the United States, Chief Justice Marshall delivering the opinion, held that the treaty with Spain, by which Florida was ceded to the United States, admitted the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of citizens of the United States, but did not permit them to participate in political power nor to share in the government until Florida should become a state. In the meanwhile Florida continued to be a territory governed by Congress under the Constitution. In the famous but now repudiated *Dred Scott Case*, 19 Howard, U. S. 393, the doctrine of the case just cited was much discussed, the court holding that the United States, under the Constitution, cannot acquire territory to be held as a colony at its will and pleasure, but it may acquire territory which at the time has not a population that fits it to become a state, and may govern it as a territory until in its judgment the territory has such a population. But this is very indefinite, for, as Congress alone is the judge of the qualification of the population of the territory, it may hold and govern such a territory indefinitely. This is the vital question Congress has now to consider in the cases of Cuba, Porto Rico, and the Philippine Islands.

true, as contended by the American colonists, that it is a principle of political right and justice, inherent in the very nature of things, that there shall be no taxation without representation, what right has the Congress of the United States to-day to tax the inhabitants of the territories, and of the District of Columbia, and of the newly acquired possessions?

It was a great and momentous question which was presented by the Stamp act, and as Mansfield on the one side, and Camden and Chatham on the other, differed in regard to it in England, so did Bull and Gadsden, and Wragg and Rutledge in South Carolina. There was, indeed, scarcely a family of prominence in the province which was not divided upon the subject.[1]

The Royal government had stood by and encouraged

[1] William Bull stood for the King; but his nephews, Stephen Bull, William Bull, Jr., and William Henry Drayton, joined the Revolutionists. Rawlins Lowndes, though conservative in his views, went with the revolutionary party, but his brother Charles remained loyal to the Crown. Four Pinckneys — Charles, Charles Cotesworth, Thomas, and Charles, Jr. — were prominent in the revolutionary party, but Charles returned to his allegiance to the Crown, and Thomas Pinckney, Jr., is found enrolled as a loyal subject of Great Britain. William Moultrie became the hero of Fort Sullivan, June 28, 1776, and his brother, Alexander, served with him in the Continental army, but their brother, John, remained Lieutenant Governor of Florida under the King. William Henry Drayton, after first upholding the Stamp act and resisting the non-importation association, became a leader of the Revolutionists; his cousin, William Drayton, continued true to the King, as Chief Justice of Florida. Gabriel Manigault contributed munificently to support the rebel government; but Gabriel Manigault, Jr., declared his allegiance to the mother country. Thomas Heyward signed the Declaration of Independence; but his father, Daniel Heyward, was a Tory. Peter, Hugh, and Daniel Horry were distinguished leaders under Marion. Elias Horry declared his loyalty to the King. Isaac Huger became a Brigadier General in the Continental service, and Major Benjamin Huger was killed on the lines of Charlestown in the same service; but Daniel Huger at one time gave in his submission to the King, and so did Francis Huger. Three Hamptons —

the people of South Carolina in their revolt against the Lords Proprietors, and against their protest had accepted the result of that revolution. They had helped the people to learn their power and had benefited by its exercise; but there had not been wanting even then those who foresaw, as Randolph did twenty-five years before, the inevitable tendency of that lesson.

Since then the people of Carolina had made great strides in the study and maintenance of liberty and constitutional government. The advance, it is true, had been made by antagonism and sometimes not apparently as of design; but it had always continued. It was first the Bench and Bar maintaining the *Habeas Corpus* act as against the tyrannical acts of the Commons claiming for themselves an omnipotence and an independence of Parliament. Then it was the struggle of the Council with the Governor for the recognition of that body as a distinct legislative part of the government, independently of his Excellency's presence or control. Then it was the struggle of the Commons against the Council, claiming for itself the prerogation of a House of Peers. During these controversies the discussion had been carried on with great ability, and three essentials of free government had been firmly established, to wit: (1) the absolute independence and authority of the bench as a branch of government; (2) the distinction of the three departments of government, the legislative, judicial, and executive; and (3) the establishment of a proper relation between the two houses of the legislature. The struggle, however, over this last point was not yet, however, entirely closed. We shall soon see

Henry, Richard, and John — were rebels from the first. Wade Hampton, as late as September, 1780, declared himself a loyal subject to the Crown, but in 1781 he renounced his allegiance and became one of the most brilliant officers in the American army.

it rising again and entering into the great struggle of the Revolution.

It has been observed by a recent writer that the generation now living can read the history of the Revolution dispassionately, and to them it is growing clear that our ancestors were technically in the wrong. For centuries Parliament had been theoretically absolute, therefore it might constitutionally tax the colonies or do whatsoever else with them it pleased.[1] Without subscribing to so broad a statement of the case, we of the present day should surely prepare ourselves to consider the questions which so divided our forefathers of this State without partiality, and with a full recognition of the equal patriotism of both sides in that momentous controversy. We must prepare ourselves also for a just and at times severe criticism upon the conduct of the one side and of the other, for alas! we shall see, in this as in all other like struggles and commotions, cruel and brutal conduct exercised in the name of liberty. We shall have to acknowledge that some of those, whose names have come down to us as bywords of Tory cruelty, had themselves dreadful wrongs to avenge. We shall see great hardships inflicted and monstrous tyranny exercised by those who appear really to have believed that they were thus advancing the cause of freedom.[2]

[1] Brooks Adams's *The Emancipation of Massachusetts* (1887), 317.

[2] The conduct of the South Carolina Revolutionists in this respect was in no wise different from that of the Revolutionists in other colonies. In all there was the same tyranny of the mob, suppression of all free discussion, and inquisitorial proceedings. For numerous instances of ill treatment of those who were suspected of lukewarmness to the cause in the different colonies, see *Diary of Am. Revolution* (Moore), vol. I; *The American Loyalists* (Sabine), 75 *et seq.*; "The Connecticut Loyalists" (Gilbert), *Am. Hist. Review*, vol. IV, No. 2, January, 1899, 280.

CHAPTER XXVIII

1765

While the Stamp act was under consideration in Parliament, the General Assembly of Massachusetts asserted its sole right to pass laws of taxation, and upon its passage lost no time in providing against its operation. On the 6th of June, 1765, they adopted a resolution which gave rise to the first American Congress. They appointed New York as the place, and the middle of October as the time for the meeting, and transmitted to the several assemblies in the different colonies addresses requesting their concurrence and coöperation, and inviting them to send committees who should meet theirs in the Congress to consult upon the subject.[1]

Lieutenant Governor Bull, then administering the government in the absence of Governor Boone, having received notice of the act, indicated his purpose of enforcing it. To embarrass him in this the Commons first raised a question as to the authenticity of the copy of the act he had received. They desired to know through what channel it had been transmitted to him; whether he had received it from the Secretary of State, the Lords of Trade, or any other authentic source. To allay the excitement, Lieutenant

[1] *Memoirs of the Am. Revolution* (Drayton), vol. I, 36. The author of this work, which we shall have occasion frequently to quote in the remainder of this volume, was Governor John Drayton, son of William Henry Drayton, who, as we shall see, took a most conspicuous part in the commotions which ended in the Revolution, and became one of the leaders in that struggle. The work was compiled by Governor John Drayton principally from his father's papers.

Governor Bull replied that he had received it from Thomas Boone, Governor of the province, who was then in England. This did not satisfy the Commons; they held that while Mr. Boone was out of the province they could not regard him in any other light than as a private gentleman; and they informed the Lieutenant Governor that the act coming through such a channel was not in their opinion sufficiently authentic to place him under the obligation of enforcing it. Lieutenant Governor Bull and his Council, in which there then sat John Drayton, John Guerard, Daniel Blake, and Henry Middleton, answered that the channel through which the act had come was equally authentic with those by which many acts of Parliament had been received, and which the Assembly had on various occasions recognized. The Assembly was not disposed to admit this, but they did not press the point further. They contented themselves with a declaration of the principles they maintained, which they ordered to be printed, and the appointment of commissioners to the Congress called by Massachusetts. The resolutions they adopted were as follows: —

"Resolved that his Majesty's subjects in Carolina owe the same allegiance to the Crown of Great Britain that is due from his subjects born there. That his Majesty's liege subjects of this province are entitled to all the inherent rights and liberties of his natural-born subjects within the Kingdom of Great Britain. That the inhabitants of this province appear also to be confirmed in all the rights aforementioned, not only by their charter, but by an act of Parliament, 13th, George II. That it is inseparably essential to the freedom of a people and the undoubted right of Englishmen that no taxes be imposed on them, but with their own consent. That the people of this province are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain; and, farther, that in the opinion of this House the several powers of legislation in America were constituted in some measure upon the apprehension of

this impracticability. That the only representatives of the people of this province are persons chosen therein by themselves, and that no taxes ever have been or can be constitutionally imposed on them, but by the legislature of this province. That all supplies to the Crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution for the people of Great Britain to grant to his Majesty the property of the people of this province. That the act of Parliament, entitled 'An act for granting and applying certain stamp duties and other duties on the British colonies and plantations in America,' etc., by imposing taxes on the inhabitants of this province, and the said act and several other acts, by extending the jurisdiction of the Courts of Admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of this province. That the duties imposed by several late acts of Parliament on the people of the province will be extremely burdensome and grievous, and, from the scarcity of gold and silver, the payment of them absolutely impracticable. That, as the profits of the trade of the people of this province ultimately centre in Great Britain to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all the supplies granted to the Crown; and, besides, as every individual in this province is as advantageous at least as if he were in Great Britain, and as they pay their full proportion of taxes for the support of his Majesty's government here (which taxes are equal or more in proportion to our estates than those paid by our fellow-subjects in Great Britain upon theirs), it is unreasonable for them to be called upon to pay any further part of the charges of the government there. That the assemblies of this province have from time to time, whenever requisitions have been made to them by his Majesty for carrying on military operations, either for defence of themselves or America in general, most cheerfully and liberally contributed their full proportion of men and money for these services. That though the representatives of the people of this province had equal assurances and reasons with those of the other provinces to expect a proportional reimbursement of those immense charges they had been at for his Majesty's service in the late war, out of the several Parliamentary grants for the use of America; yet they have obtained only their portion of the first of those grants, and the small sum of £285 sterling received since. That, notwithstanding, whenever his Majesty's service shall for the future require the aid of the inhabitants of this province, and they

shall be called upon for this purpose in a constitutional way, it shall be their indispensable duty most cheerfully and liberally to grant to his Majesty their proportion, according to their ability, of men and money for the defence and security and other public services of the British American colonies. That the restrictions on the trade of the people of this province, together with the late duties and taxes imposed on them by act of Parliament, must necessarily greatly lessen the consumption of British manufactures amongst them. That the increase, prosperity, and happiness of the people of this province depend on the full and free enjoyment of their rights and liberties and on an affectionate intercourse with Great Britain. That the readiness of the colonies to comply with his Majesty's requisitions, as well as their inability to bear any additional taxes beyond what is laid on them by their respective legislatures, is apparent from several grants of Parliament to reimburse them part of the heavy expenses they were at in the late war in America. That it is the right of the British subjects of this province to petition the King or either House of Parliament.

"*Ordered*, that these votes be printed and made public, that a just sense of the liberty and the firm sentiments of loyalty of the representatives of the people of this province may be known to their constituents, and transmitted to posterity."

Having thus expressed their sentiments, the Commons appointed Thomas Lynch, Christopher Gadsden, and John Rutledge to attend the Congress called by Massachusetts to meet in New York.[1]

In the meanwhile stamps began to arrive in the various parts of the country. We have a minute, though not perhaps an altogether frank, account of what transpired upon their arrival at Charlestown, published in the *Gazette*.[2]

[1] *Memoirs of the Am. Revolution* (Drayton), vol. I, 41; *So. Ca. Gazette and Country Journal*, December 17, 1765.

[2] *So. Ca. Gazette*, No. 1607, October 19–31, 1765. Republished in *Charleston Year Book* for 1885 (Courtenay), 331.

There appears in Drayton's *Memoirs* (vol. I, 41–46) a most interesting story of the arrival of the stamps in a sloop of war, which anchored off Fort Johnson, under its guns; of the secret formation of a party of 150 citizens who in the night crossed the river, seized the fort, confined

From this, with the letters of Mr. Henry Laurens filling out some of the details which the *Gazette* would have suppressed, and the journals of the court, we may gather probably a pretty accurate story of the occurrences at the time.

Late in the evening of Friday, the 18th of October,

the garrison, loaded the cannons with ball and grape-shot, and raised a blue flag with three white crescents upon it, which the captain of the sloop of war seeing in the morning demanded its meaning, and, that thereupon, an officer who was sent ashore was shown the preparations made to blow the sloop of war to pieces if the stamps were not taken away, which, after considerable parleying, the captain agreed to do, and ignominiously took the stamps aboard and sailed away with them.

The author of this work has not been able to adopt this story. It is told, it is true, with great particularity of detail by one who says he was of the party. But it was not published for more than fifty years after the transaction; and we have the minute contemporaneous account of what took place day by day, in which there is no mention or even allusion to such an attack upon Fort Johnson. It is scarcely credible that a British naval officer would have acted such an ignominious part, and taken away the stamps at the threat of a mob. The execution of Byng (1757) was of too recent occurrence. Such cowardly conduct would have been noised over England and America. There is no mention in the *Gazettes* of the arrival of any such sloop of war. The stamps were brought in a merchantman, the *Heart of Oak*, not in a sloop of war. Lieutenant Governor Bull would certainly have taken active steps to arrest the parties. He makes no allusion to such an event in his proclamation. The stamps were not carried away. Lieutenant Governor Bull advertised that they remained at Fort Johnson; and the journals of the court show that it was not the absence of the stamps, but that no one would discharge the duties of a stamp officer, which prevented their use. The story very probably has some foundation. It is not at all improbable that a party went down to Fort Johnson and compelled Mr. Saxby and Mr. Lloyd to make the declaration which they did, and the presence near the fort of the ketch, *Speedwell*, may have become confused in the mind of Mr. Drayton's informant in his old age, with that of a sloop of war. Old soldiers of the late war between the States are familiar with many such instances of confusion and perversion in the minds and memories of perfectly upright and honest men in relating the events of the war of thirty odd years ago.

the ship *Planter's Adventure*, Captain Miles Lawley, from London, came to anchor under the guns of Fort Johnson. It had been reported some time before that a distributor of stamps for this province was coming over in this ship, and from the vessel's not coming up to town it was supposed that there was on board either a stamp officer, stamps, or stamped paper. Early Saturday morning, the 19th, there appeared at the intersection of Broad and Church streets, near Mr. Dillon's tavern, — the most central and public part of the town, — suspended on a gallows twenty feet high, an effigy designed to represent a distributor of stamped paper, to which were affixed labels expressive of the sense of a people unshaken in their loyalty, but tenacious of just liberty. On the gallows, in very conspicuous characters, was written "Liberty and no Stamp Act," and on the back of the principal figure these words, "Whoever shall dare attempt to pull down these effigies had better been born with a millstone about his neck and cast into the sea."

These figures remained suspended in this manner, during the whole day, without any one offering to disturb or take them down, the Court of General Sessions sitting all the while but a square away; nor was there, the *Gazette* adds, the least riot or disturbance, though a great concourse of people incessantly resorted to the place of exhibition. Colonel Henry Laurens, writing on the 22d to a friend, tells him that "some of our folks were wise enough to exhibit effigies on Saturday last, a minute and pompous account of which I suppose you will see in the *Gazette*. I was out of town and saw not the farce, but some sensible men have convinced me that six men of spirit could in the beginning have crushed the whole show; whereas, meeting with no opposition, they carried their point with a high hand."[1]

[1] Johnson's *Traditions*, 14.

In the evening the figures were taken down and placed in a cart or wagon drawn by eight or ten horses in a procession down Broad Street to the Bay, attended by at least two thousand persons, it is said. From the Exchange the procession moved down the Bay to Tradd Street, and proceeding up that street it halted at the door of a house belonging to George Saxby, Esq., who was known to be on his voyage from England, and was supposed to be coming with stamps as a distributor. Mr. Saxby was a man of consequence in the community, against whom there was no popular personal objection. Arriving at Mr. Saxby's residence, then occupied by Captain William Coats, the mob demanded "whether there was any stamped paper in the house," and there being some delay in opening the doors, it required great prudence and no less exertion of influence, we are told by the *Gazette*, to restrain them from levelling the house to the ground; as it was, considerable damage was done, and the house was ransacked in the search for stamps. None, however, being found, the procession resumed its march to the green, back of the brick barracks,[1] where the effigies were committed to the flames amidst the loud and repeated shouts of an increasing multitude. The bells of St. Michael's rang muffled all day, and during the procession there was a most solemn knell for the burial of a coffin on which was inscribed "American Liberty."

No outrages whatever were committed during the whole procession, says the *Gazette*, except the trifling damage done to Mr. Saxby's house, whose furniture, it mentions, however, it was said had been mostly removed into the country ten days before. But after the procession and funeral, diligent search was made for another gentleman

[1] The brick barracks were situated near where the jail and Roper Hospital now stands.

upon a report prevailing in the evening that he was appointed distributor of the stamps, and not Mr. Saxby. This gentleman, says the *Gazette*, not being found that night, had like to have produced some commotion, but the next day being Sunday, a solemn declaration was stuck up at the Exchange, purporting "that he neither had received a commission, knew of his appointment, or that the stamps were consigned to him," which in some measure appeased the people. This person was Mr. Caleb Lloyd, the commandant of Fort Johnson.

The *Gazette* made light of the damage done to Mr. Saxby's house, and of the conduct of the mob there, but Lieutenant Governor Bull took a more serious view of the matter. He at once, on Monday morning, issued a proclamation reciting that a number of persons unknown had on Saturday night before assembled "together and in a riotous and tumultuous manner entered into the house of William Coats, and did there commit several outrages and acts of violence," and offered a reward of £50 sterling to any person who would discover the person or persons concerned in the same.

Nothing more occurred until Wednesday, the 23d, when his Majesty's ketch,[1] the *Speedwell*, commanded by Captain Fanshawe, came down from Hobcaw, — a shipyard on Cooper River, — immediately proceeded to Fort Johnson, the garrison of which had been strengthened, and anchored close thereto. The same evening, says the *Gazette*, it was reported that the stamped papers had been brought up to town unobserved and lodged in the house of a gentleman in Ansonboro, upon which a number of people went thither to be satisfied of the truth of the report, but finding

[1] Ketch — an old English term applied to a vessel equipped with two masts, usually from 100 to 250 tons' burden — nearly synonymous with the modern term "yacht." — *Brande.*

none, they returned quietly without offering the least insult to any person whatever.

This person was no other than Colonel Henry Laurens. Colonel Laurens, as it has already appeared, was a gentleman of high standing in the community, and a merchant of great respectability and large fortune. He was known to be opposed to the Stamp act, but was equally opposed to these riotous proceedings, which he had discountenanced. In a letter to his friend of October 11, he thus stated his position:[1]—

"Conclude not hence that I am an advocate for the Stamp act. No, by no means. I would give, I would do, a great deal to procure a repeal of the law which imposes it upon us; but I am sure that nothing but a regular, decent, becoming representation of the inexpediency and inutility of that law will have the desired effect, and that all irregular, seditious practices will have an evil tendency, even perhaps to perpetuate that, and bring upon us other acts of Parliament big with greater mischiefs."

Suspicion had in some way been aroused that he had some of the stamps. He then lived in the cottage we have mentioned, and into his beautiful garden a crowd burst demanding the stamps, which they charged him with concealing. Colonel Laurens, in another letter to his friend, has left us an account of what took place, and it scarcely bears out the statement of the *Gazette* as to the polite and amiable manner in which he was treated. He met the intruders with great natural indignation. He assured them and pledged his word that he had no stamps in his house, and reminded them of his well-known position in regard to the act. He appealed to them on account of his wife's health, who was ill, not to disturb his premises and violate the sanctity of his home; but in vain! The only reply was a brace of cutlasses across his breast and

[1] Johnson's *Traditions*, 14.

cries of "Light! light! search! search!" His firmness, however, and his fortunate discovery of some of the ring-leaders, notwithstanding their disguises, and his calling them by name, frightened them and prevented their entering his house; but they searched his outbuildings and broke into his cellar, where they wasted much of his wine. It was a fortunate circumstance, however, that though heated with liquor and armed with cutlasses and clubs, they did no more damage, and that his garden was not in the least injured.[1]

From Colonel Laurens's house the mob turned their course to the residence in King Street of Chief Justice Shinner. But he, though aroused from his slumbers, was equal to the occasion. His Irish wit stood him in good stead. He assured the mob he had nothing to do with the stamps, and that they were welcome to search every part of his house — which they did without ceremony, but found nothing. While they were searching, the Chief Justice very complacently had bowls of punch provided, and did not hesitate to drink with the rioters from his own liquor their favorite toast, "*Damnation to the Stamp Act!*" The crowd after this dispersed without further interruption to peaceable citizens.[2]

The next morning, Thursday, the 24th, by order of his honor the Lieutenant Governor, an advertisement was stuck up at the Watch House, signed by the Clerk of the Council, giving notice "that the stamps lately arrived were lodged in Fort Johnson, till it should be necessary to remove them from thence," which, says the *Gazette*, had the good effect that it prevented troublesome visits and inquiries to other gentlemen who might have been suspected of receiving the stamps into their charge.

[1] Johnson's *Traditions*, 14–16.

[2] *Memoirs of the Revolution* (Drayton), vol. I, 48.

There was some threat of another riot when the *Carolina Packet*, Captain Robson, arrived from London on Friday evening, the 25th, but it subsided as soon as it was shown that no stamps were on board, and that Mr. Saxby had taken his passage and was on board of the *Heart of Oak*, Captain Gunn. On Saturday this vessel arrived, bringing Mr. Saxby, as was then expected; but having information of what was passing here, instead of coming up to town, he went ashore at Fort Johnson. It was soon learned that, as expected, Mr. Caleb Lloyd was really to be a distributor of stamps, whereupon numbers of people again assembled, and, as the *Gazette* expressed it, seemed very uneasy — an uneasiness in which they soon made Mr. Saxby and Mr. Lloyd to share; for, as the *Gazette* puts it, Mr. Saxby being made acquainted at the fort of the commotions which had arisen throughout America on account of the Stamp act, and that it was as little relished here as elsewhere, he expressed great concern that his acceptance of an office under it — that of inspector of the duties — had proved so odious and disagreeable to the people, and in order to restore the public peace — which there was too much reason otherwise to fear might be disturbed — made a voluntary offer to suspend the execution of his office till the determination of the King and Parliament of Great Britain, upon an united application to be made from his Majesty's colonies for the repeal of an act that had created so much confusion, should be known. Mr. Lloyd, who was then also at Fort Johnson, made a like voluntary declaration in regard to his office of distributor. How far these declarations were voluntary, as alleged, may well be doubted. But, however that may be, the declarations in writing were publicly read on the Bay on Sunday evening, the 27th, to the general joy, it was said, of the inhabitants, which was shown by loud and repeated

acclamations and the ringing of St. Michael's bells unmuffled.

On Monday morning, the 28th, St. Michael's bells were again rung, and vessels in the harbor displayed their colors. A party went over to Fort Johnson — friends, it was said, of the two officers — to bring them up under their protection. They came ashore at noon from a boat, in the head of which was hoisted a Union flag with the word "Liberty" in the centre and a laurel branch on the top of the staff. Upon their landing, a lane was formed amidst the greatest concourse of people, the *Gazette* observes, that ever were assembled upon any occasion, being supposed upwards of eleven thousand souls,[1] and a new declaration was publicly read under the hands and seals of the two gentlemen, in which they solemnly declared and protested before God that they would not exercise their offices until it was known whether Parliament would determine to enforce the act after receiving the united application of the colonies for its repeal. This declaration was received with hearty shouts of approbation. Then Mr. Saxby and Mr. Lloyd verbally assured the people that the declaration read was their free and voluntary act, and that it was their intention strictly to adhere to its intent and meaning. Whereupon, says the *Gazette*, the air rang with music of bells, drums, hautboys, violins, hurrahs, firing of cannon, etc., and carrying the Liberty flag before them, the music continuing, Mr. Saxby and Mr. Lloyd were conducted to Mr. Dillon's tavern, and after taking some refreshments there, to their own houses.

By three o'clock, the *Gazette* tells us, every one had

[1] The *Gazette* must have far overestimated this crowd. Lieutenant Governor Bull, in 1770, estimated the whole population of the town at but 10,863, black and white. — Letter to Lord Hillsboro, November 30, 1770.

retired to his own house and all was peace and good order, and at night the streets were patrolled to see that no injury or insult should be offered to the persons or property of the gentlemen who had suspended the execution of their offices; but the satisfaction of the public was so universal and complete that no such thing seemed even to be thought of, and the town was remarkably composed. The damage done to Mr. Saxby's windows the *Gazette* estimated at £5 sterling, which it announced would be made good. And thus happily ended an affair, observes the *Gazette* in conclusion of its full account of the proceedings, from which the most terrible consequences were apprehended, the people relying upon the wisdom and justice of the Parliament in receiving and hearing their humble remonstrances, and granting the relief prayed for.

The *Gazette* adds, that to-morrow being the 1st of November, when the act was to go into operation, most of the business in public offices will cease, and from this day, the 31st of October, the publication of the *South Carolina Gazette* will also be suspended, it being impossible to continue it without great loss to the printer when the numerous subscribers thereto have signified, almost to a man, that they will not take one stamped newspaper, if stamps could be obtained. The publication accordingly ceased, and was not resumed until the repeal of the act.

But what was now to be done? The provisions of the law were highly penal upon all persons transacting any legal business without stamps. Not only suitors and lawyers, but the judges and clerk of court, and even the Governor himself, were subject to penalties for its violation. In this dilemma the judges and lawyers met to consider the situation, but could devise no relief.

On the 13th of November, Chief Justice Shinner, finding himself alone on the Bench, entered an order reciting that

he and the other officers of the court having come to the knowledge of the act, and the necessity under it of the use of stamps in recording, enrolling, entering, and filing papers, of which the officers of the court were specially charged: "And whereas the officers appointed under the said act, inspector of the said duties and distributor of the stamped papers for the province, have notified his honor the Lieutenant Governor that they decline acting in these several and respective stations until his Majesty's pleasure touching the carrying the said act into execution shall be further known, by which means no business can be proceeded upon until stamped papers can be had. The court therefore being of opinion that no business can be proceeded with until stamped papers are produced," he ordered the court adjourned to the 3d of December, and its adjournments were continued until the 4th of March, 1766.

On this day Rawlins Lowndes, Benjamin Smith, and Daniel d'Oyley came into court, produced and presented to the Chief Justice his Majesty's commissions appointing them Associate Justices of the Common Pleas, which being read in open court and recorded, they took their seats on the Bench. Thereupon, doubtless in pursuance of a previous understanding, Mr. Bee, attorney for the plaintiff in a certain cause, arose and moved for judgment. To this Mr. Rutledge, representing the defendant, said that he had no manner of objection. Mr. Manigault, also appearing as counsel for the plaintiff, spoke very fully in support of the motion, as also did Mr. Pinckney, Mr. Parsons, and Mr. Rutledge, who, though not concerned for the plaintiff in the particular cause, said they were concerned in others of a similar nature. The motion was opposed by the Attorney General, Mr. Egerton Leigh, on account of the want of stamps which still subsisted in the province. The question having been very fully argued on both sides,

the court took a recess till the afternoon to consider it, when upon resuming their session the court, that is, the Assistant Judges, Lowndes, Smith, and D'Oyley, were unanimously of opinion that under the peculiar circumstances and the steps which had been taken by the different provinces in America to obtain a repeal of the Stamp act, that no positive determination be given, but the case be postponed until the next Return-day,[1] which would be the 1st of April. On that day the Assistant Judges decided to proceed with the business, and ordered a judgment, which was moved for, entered.[2] The Chief Justice dissented, but his dissent would not have prevailed had not Mr. Dougal Campbell, the Clerk, interposed his objection, which in this case was more effectual than that of the Chief Justice. He refused to enter the order or issue a process under it. Upon this the Assistant Judges requested the Lieutenant Governor to suspend him, but this Governor Bull refused, as was to have been expected, declaring that in his opinion the circumstances of Mr. Campbell's conduct did not subject him to the charge of disobedience; especially, the Governor added, as his compliance with the judges' request must subject him not only to the King's displeasure in general, but to the more severe penalties and disabilities of the act. It was one thing for the Assistant Judges to brave the danger of their removal from a Bench they were but voluntarily serving upon for the honor, but quite another for Lieutenant Governor Bull to risk his high position, and that, too, in a cause with which he did not sympathize. The Assistant

[1] Return-day — the day upon which the court would sit in *banc.* Jacob's *Law Dict.*, vol. V, 523; vol. VI, 211.

[2] This account of the proceedings of the court are taken from the record in the Court Book, 1763–65, now in the office of the Clerk of the General Sessions and Common Pleas, Charleston, S.C. See also *Memoirs of the Revolution* (Drayton), vol. I, 48.

Judges then referred their letter to the Commons' House of Assembly on its meeting in March, 1766, by whom it was referred to a committee which had just been appointed to consider a memorial of the merchants and traders of Charlestown and others. In this petition the merchants had represented the great loss and inconvenience to them by the closing of the courts, and urged that it was not the business or duty of suitors to provide stamps for the courts, — a plea which would have come with better grace had not the petition borne the name of Cannon and Williamson and others, who had taken an active part in preventing their distribution.

A considerable correspondence followed between Peter Manigault, the Speaker, and the Lieutenant Governor. But Bull remained firm, and sent a message to the Assembly intimating in what manner only he would coöperate in this or any other matter which might be questioned by the King. The Commons had to content themselves with the passage of a series of resolutions declaring that the court had a right to determine all questions arising in a cause before it, and to make all orders for regulating its practice, and could not be controlled and obstructed in doing so by its clerk; that Dougal Campbell, by his refusal to obey the orders of the court, had been guilty of a high contempt and had offered the greatest indignity to the court, and that the Lieutenant Governor ought to have suspended him; that Dougal Campbell and all persons supporting him in his insult and contumacy had therein pursued measures derogatory to his Majesty's authority delegated to the court — destructive to the rights and liberties of the subject, subversive of their best birthright and inheritance, and highly injurious to the good people of the province; that it was the indisputable right of all good subjects to their most gracious sovereign, George III,

to preserve public peace and good will and a due obedience to the laws, etc. These resolutions the House published on the 7th of May, 1766, with an account of all their proceedings upon the subject, in a pamphlet under the title of *The Votes of the Commons' House of Assembly of South Carolina.*[1]

In the meanwhile the Congress, to which Lynch, Gadsden, and Rutledge had been sent, had met in New York on the 3d of October, and in it these gentlemen from South Carolina had taken a prominent and controlling part. No colony, says Bancroft, was better represented than South Carolina. Her delegation gave a chief to two of the three great committees, and in all that was done well, he adds, her mind visibly appeared.

The great question before that Congress was as to the safest ground upon which to rest the liberties of America. Should they build on charters or natural justice, on precedents and fact or abstract truth, on special privileges or universal reason? Massachusetts and Connecticut were inclined to rest much upon chartered rights; but Gadsden, of South Carolina, would not place the hope of America on that foundation, and spoke against it with irresistible impetuosity. "A confirmation of our essential and common rights as Englishmen may be pleaded from charters safely enough; but any further dependence upon them may be fatal." "We should stand," he continued, "upon the broad common ground of those natural rights that we all feel and know as men and as descendants of Englishmen." Gadsden was no lawyer, nor can it be claimed for him that he was a statesman, but he was undoubtedly right in this. The charters, of South Carolina especially, would afford no safe ground upon which to base a resistance to the imposition of this tax, had the charter then been in

[1] *Memoirs of the Am. Revolution* (Drayton), vol. I, 49–57.

existence; but the charter had been surrendered and was then of no force. If the imposition of this tax was to be resisted, it must be on the bald ground that Englishmen had always found sufficient, to wit: the right of revolution; the right to throw off a government which was becoming unsuited to the new and developing conditions in America; the right to govern themselves; the right of home rule. Gadsden and Lynch also vigorously denied the propriety of approaching either House of Parliament with a petition. "The House of Commons," reasoned Gadsden, "refused to receive the addresses when the matter was pending; besides, we neither hold our rights from them nor from the Lords." But yielding to the majority, Gadsden suppressed his opposition; "for," said he, "union is most certainly all in all."[1] Well did the great historian, in an early edition of his work, declare, "As the united American people spread through the vast expanse over which their jurisdiction now extends, be it remembered that the blessing of union is due to the warm-heartedness of South Carolina."[2]

The Congress adopted a series of resolutions declaratory of the principles upon which the colonies resisted the Stamp act and the right of Parliament to tax them. They resolved that his Majesty's subjects in the colonies owe the same allegiance to the Crown of Great Britain that is due from his subjects born there. That his Majesty's liege subjects of the colonies are entitled to all the inherent rights and liberties of his natural-born subjects within the Kingdom of Great Britain. That it is inseparably essential to the freedom of a people and the undoubted right of Englishmen there, that no taxes be

[1] *Hist. of the U. S.* (Bancroft), last ed., 149, 154.

[2] *Ibid.*, ed. of 1857, vol. V, chap. XIV, 294. Strange to say, this passage is omitted in later editions of Mr. Bancroft's History.

imposed on them, but with their own consent. That the people of the provinces are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain. That the only representatives of the people of the provinces are persons chosen therein by themselves, and that no taxes ever have been or can be constitutionally imposed on them but by the legislatures of the provinces. That supplies to the Crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution for the people of Great Britain to grant to his Majesty the property of the people of the provinces, etc. The Congress upon these declarations presented a petition to the King and a memorial to the House of Lords and another to the House of Commons.

Gadsden hurried off from New York that he might arrive in time to meet the Assembly and report the proceedings of the Congress, but he had a long passage, and the Assembly had adjourned before his arrival. The Assembly met again, however, on the 26th of November, and received the report of its delegates. It approved and confirmed the action of the Congress and its delegates, and adopted the whole set of resolutions of the Congress, merely changing the phraseology where necessary so as to make them the specific act of the Assembly of South Carolina, and adding one or two upon facts and considerations peculiar to this province.

The action of the Assembly of South Carolina was taken by a vote which wanted but one of being unanimous, and that was the vote of William Wragg, who never flinched on any occasion from boldly asserting his loyalty to the King and his support of the government in England. Peter Manigault, the Speaker, was directed to sign the petition and memorial, and the committee of correspondence was

ordered to transmit the same to the provincial agent in England, directing him to use his utmost endeavors to obtain a favorable consideration of them. The Speaker signed and dispatched the memorials by a ship which sailed the morning after.[1]

The Grenville ministry had fallen in July, 1765, and had been succeeded by Rockingham, and Conway, who had been one of the few opponents of the Stamp act, was now Secretary of State for the colonies. Up to this time the truth was, that however much our forefathers may have thought the affairs of the world were all turning upon their actings and doings, colonial affairs had scarcely received any attention in the English political world. The Regency bill, the Cider bill, Wilkes, and the illegality of general warrants, the growing power of the House of Bourbon, were the questions, among others, which were engrossing the attention of Englishmen. The colonies had been neglected and overlooked. When Grenville moved his resolutions to impose the stamp tax on the colonies, Colonel Barré was almost the only man to oppose them, and it has been questioned whether at the time he uttered the eloquent invective which became household words in New England.[2] "Mr. Grenville lost

[1] See "Votes of the Commons' House," *So. Ca. Gazette*, May 7, 1776.

[2] Colonel Barré's alleged invective is directed chiefly against an observation of Mr. Grenville, that the Americans were "children planted by our care and nourished by our indulgence." "Children planted by your care," Colonel Barré is said to have replied. "No! your oppression planted them in America; they fled from your tyranny into a then uncultivated land where they were exposed to almost all hardships to which human nature is liable, and yet, actuated by principles of true English liberty, they met all these hardships with pleasure compared to those they suffered in their own country from the hands of those who should have been their friends. They nourished by your indulgence? They grew out of your neglect of them; as soon as you began to care about them, that care was exercised in sending persons to rule over them

America because he read the American dispatches, which none of his predecessors ever did," was the contemptuous remark of one of the under secretaries. The business of the colonies, to use Mr. Burke's words, was treated "with salutary neglect." The act attracted so little attention that it was only in the last days of 1765 or the first of 1766 that the new ministry learned the views of Mr. Pitt upon the subject. It was probably a complete surprise to

who were, perhaps, the deputies of some deputy, sent to spy out their liberty, to misrepresent their actions, and to prey upon them; men whose behavior on many occasions has caused the blood of those sons of liberty to recoil within them. They protected by your arms? They have nobly taken up arms in your defence, have exerted their valor amidst their constant and laborious industry, for the defence of a country whose frontiers while drenched in blood, its interior parts have yielded all its little savings to your enlargement; and the same spirit which actuated that people at first will continue with them still, but providence forbids me to explain myself further."

Adolphus, the historian, suggests a doubt as to the authenticity of the report of this speech. It is not found in De Brett's *Parliamentary Collection*. — Adolphus's *Hist. of England*, vol. I, 167. In his speech on American Taxation, Burke says: "I sat a stranger in your gallery when the act was under consideration. Far from anything inflammatory, *I never heard a more languid debate*." — Burke's *Works*, vol. I, 559. Horace Walpole says, "When Grenville moved the resolutions Colonel Barré was the first and almost single man to oppose them, treating severely Charles Townshend, who supported them." His editor, commenting on the doubt, observes, "There is nothing in Colonel Barré's character to make it improbable that he may have been his own reporter, and not a very faithful one." — Walpole's *Memoirs of George III*, vol. II, 7, 8, and note. The speech is, however, incorporated in the text of *Parliamentary History*, vol. XVI, 38, but a note is added, giving the above quotation from Burke. Lecky accepts it as genuine though, he says, not reported in the contemporary parliamentary history. He attributes the report of the speech to the agent of Connecticut, who had been present in the gallery and transmitted the speech to America. — *England in the Eighteenth Century*, vol. III, 352. Lord Mahon holds it probable that this speech, under the name of revision and on a slight foundation of reality, was added by the pen of Barré. — *Hist. of England* (Mahon), vol. V, 131.

them to learn that it had brought the colonies to the verge of rebellion, and in the first months they appear to have been quite uncertain what policy to pursue. The ministers would gladly have left the question of American taxation undecided, but that was no longer possible.

Parliament had almost unanimously asserted its right, and the colonial assemblies had defiantly denied it. There was one powerful weapon in the hands of the colonies, and that was the debts they owed merchants in England. These debts involved the merchants of London, Liverpool, and Manchester, and other great trading towns in common cause with the Americans, and the question thus became one of local politics there. Petitions were presented from the traders of London, Liverpool, and other towns, stating that the colonists were indebted to the amount of several millions sterling for English goods which had been exported to America; that the colonists had hitherto faithfully made good their engagements, but they now declared their inability to do so; that they would neither give orders for new goods nor pay for those which they had actually received; and that unless Parliament speedily retraced its steps, multitudes of English manufactures would be reduced to bankruptcy.

Parliament met on December 17, 1765, and the attitude of the different parties was speedily disclosed. Mr. Lecky thus fairly sums up their different positions.

A powerful opposition, led by Grenville and Bedford, strenuously urged that no relaxation or indulgence should be granted to the colonists. In two successive sessions the policy of taxing America had been deliberately affirmed, and if Parliament now suffered itself to be defied or intimidated, its authority would be forever at an end. The method of reasoning by which the Americans maintained that they could not be taxed by Parliament, in which they

were not represented, might be applied with equal plausibility to the Navigation acts and to every other branch of imperial legislation for the colonies, and it led directly to the disintegration of the empire. The supreme authority of Parliament chiefly held the different parts of the empire together. The right of taxation was an essential part of the sovereign power. The colonial constitutions were created by Royal charter, and it could not be admitted that the King, while retaining his own sovereignty over certain portions of his dominions, could by a mere exercise of prerogative withdraw them wholly or in part from the authority of the British Parliament. It was the right and duty of the imperial legislation to determine what proportion the different parts of the empire should contribute to the defence of the whole, and to see that no one part evaded its obligations and unjustly transferred its share to others. The disputed right of taxation was established by a long series of legal authorities, and there was no real distinction between internal and external taxation. It suited the Americans to describe themselves as the apostles of liberty and to denounce England as an oppressor. It was simple truth that England governed her colonies more liberally than any other country in the world. They were the only existing colonies which enjoyed real political liberty. Their commercial system was more liberal than that of any other colonies. They had attained under British rule a degree of prosperity which was surpassed in no quarter of the globe. England had loaded herself with debt in order to remove the one great danger to their future. She cheerfully bore the whole burden of their protection by sea. Lord Mansfield maintained that there could be no doubt but that the inhabitants of the colonies were as well represented in Parliament as the greatest part of the people of England, among the nine millions of

whom there were eight who had no votes in electing members of Parliament. Every objection, therefore, to the dependency of the colonies upon Parliament, he urged, went to the whole present constitution of Great Britain. People might form their own speculative ideas of perfection and indulge their own fancies or those of other men. Every man in the country had his particular notions of liberty; but perfection never did and never could exist in any human institution. For what purpose, then, were arguments drawn from a distinction in which there was no real difference, of a virtual and actual representation?

Pitt, on the other hand, rose from his sick-bed, and in speeches of extraordinary eloquence, which produced an amazing effect on both sides of the Atlantic, justified the resistance of the colonies. He maintained in the strongest terms that the doctrine of self-taxation is the essential and discriminating circumstance of political freedom. "It is my opinion," he said, "that this Kingdom has no right to lay a tax upon the colonies." But he was careful to add with emphasis, and in doing so expressed the views of all the leaders in South Carolina, "At the same time I assert the authority of the Kingdom over the colonies to be sovereign and supreme in every circumstance of government and legislation whatsoever." Then he went on to argue: "Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. . . . The distinction between legislation and taxation is necessary to liberty. . . . The Commons of America represented in their several assemblies have ever been in possession of the exercise of this their constitutional right of giving and granting their own money. They would have been slaves if they had not enjoyed it." In his reply to Grenville he reiterated these principles in still stronger terms. "I rejoice," he said,

"that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to have made slaves of the rest!"[1]

These views were defended in the strongest terms by no less a lawyer than Lord Camden, who pledged his great legal reputation to the doctrine that taxation is not included under the general right of legislation, and that taxation and representation are morally inseparable.[2]

The Stamp act was repealed, but with its repeal another act was passed which in principle was more hostile to the assertion of the right claimed by the Americans than the Stamp act itself. This was called the "Declaratory act." Its very title was a direct traverse and denial of the claim of the colonies. It was entitled "*An act for the better securing the dependency of his Majesty's dominions in America upon the Crown and Parliament of Great Britain*," and it provided "that all resolutions, votes, orders, and proceedings in any of the said colonies or plantations, whereby the power and authority of the Parliament of Great Britain to make laws is denied or drawn in question, are and are hereby declared to be utterly null and void to all intents and purposes whatsoever."

There could have been no general desire or settled purpose on the part of the people of South Carolina to quarrel with the mother country if this act was satisfactory; for it was in direct opposition to the resolutions of the Congress at New York, which the Commons' House had just endorsed and adopted. The truth is, the heart of the people was not as yet much in the controversy. The Governor's Council, composed of members of the most influential families in the colony, was entirely opposed to

[1] *England in the Eighteenth Century* (Lecky), vol. III, 363, 367.

[2] *Lives of the Lords Chancellors* (Campbell), vol. V, 253–255.

the action of the Commons' House; and William Wragg, in his sturdy resistance in that body, had, as it will be seen, the support of his constituents and of many others in the province.

Nothing, says Mr. Sabine, is clearer than that the British Navigation act and the Laws of Trade, which were a part of the system it was meant to enforce, contained the germs of the Revolution. The Stamp act and other statutes of a kindred nature have been made, he thinks, to occupy too prominent a place among the causes assigned for that event. The irritation which the duties on stamps excited in the planting colonies subsided as soon as the law which imposed them was repealed; and but for the policy which oppressed the commerce and inhibited the use of the waterfalls of New England, the "dispute" between the mother country and her children would have been "left," as Washington breathed a wish that it might be, "to posterity to determine." In this Mr. Sabine is no doubt correct. The southern colonies, and South Carolina in particular, had no longer any practical cause of complaint. She was suffering from no material oppression. What part she took thereafter was in the interest of the commerce and waterfalls of New England, and not in her own. She, at least, was to contend only for abstract right and abstract liberty.

CHAPTER XXIX

1766–68

The news of the repeal of the Stamp act was received in Charlestown May 6, 1766, and its reception was celebrated by bonfires, illuminations, ringing of bells, and other demonstrations of joy.[1] On the 13th the Commons' House requested Thomas Lynch, Christopher Gadsden, and John Rutledge to sit for their pictures, which were to be drawn at full length and preserved in the assembly room as a testimony of public regard, that the remembrance of the signal service they had done their country as a committee of the province at the Congress at New York might be transmitted to and remembered by posterity.[2] The House also, upon the motion of Rawlins Lowndes, voted to have a statue made in England of the Right Honorable William Pitt, to be erected in the State House as a memorial of the respect for his upright and disinterested conduct upon all occasions, and particularly his assistance in procuring a repeal of the Stamp act, which they declared was equally beneficial to Great Britain and the colonies.[3] But William Wragg would not allow the opportunity to pass without putting in a word for his sovereign; he moved to amend the resolution by inserting the name of his Majesty George the Third in the place of that of his Honor William Pitt. He could not obtain a

[1] Drayton's *Memoirs*, vol. I, 59.

[2] *So. Ca. Gazette*, June 9, 1766.

[3] *So. Ca. Gazette and Country Journal*, May 13, 1766.

second to his motion. An address to his most gracious Majesty was, however, ordered to be prepared and sent upon this occasion, and his birthday happening a few days afterward the people turned out to show that the controversy had not lessened their loyalty. The morning of the 4th of June, the King's birthday, was ushered in with the ringing of bells and the display of colors. At noon the great guns were fired and answered by volleys of the Charlestown militia. The artillery and light infantry companies were drawn up on Broad Street, and we are told made a fine appearance. They were reviewed by his honor the Lieutenant Governor, who gave on the joyful occasion a very elegant entertainment at Mr. Dillon's tavern to his Majesty's Council and the Speaker and members of the Assembly, the officers, civil and military, and the clergy. So the Lieutenant Governor, the Chief Justice, and the Associate Justices, and Dougal Campbell, the Clerk, and Captain Gadsden of the artillery, together with his colleagues, Lynch and Rutledge, and Peter Manigault, the Speaker, washed down with Governor Bull's wine all personal animosities, and the *Gazette* informs us the evening concluded with illuminations and other demonstrations of joy and gratitude for the many blessings enjoyed under his Majesty's most auspicious reign. Mr. Pitt and all the friends of Great Britain and the colonies were duly remembered.

Two weeks after, on the 17th of June, the successor to Governor Boone, his Excellency Lord Charles Greville Montagu, Governor-in-chief, and the lady to whom he had been but recently married, arrived in the ship *Fonthill* from Cowes.[1] His Excellency's arrival was made another

[1] *So. Ca. Gazette and Country Journal*, June 13, 1766. Lord Charles Greville Montagu was the second son of Robert, the third Duke of Manchester; he was born in 1741, and was consequently but twenty-four years

occasion of demonstration of the loyalty of the people of the province. The morning of his disembarkment was ushered in, as the King's birthday had been just before, with the ringing of bells and the display of colors. The militia were again drawn up on Broad Street, forming two lines, between which his Lordship, who was received at the landing by two members of his Majesty's Council, walked to the State House. At the State House his Excellency was received by another deputation of his Majesty's Council and conducted into the Council Chamber, where his Honor the Lieutenant Governor received and read his Majesty's commission. His Excellency, attended as before and accompanied by his Honor the Lieutenant Governor, walked to Granville's Bastion, where the artillery, commanded by Captain Gadsden, was posted. His Majesty's commission was again read and published, upon which a general discharge of cannon was answered by volleys of small arms. His Excellency returned to the State House, preceded by the light infantry, Captain Thomas Savage, of whom and of the artillery his Lordship expressed his approbation in the genteelest terms. His Excellency, with his Honor the Lieutenant Governor, members of his Majesty's Council, the Speaker of the House, officers, civil and military, and the clergy, about two o'clock met at Mr. Dillon's, where an elegant entertainment was again provided, and where his Excellency passed the afternoon, it was said, with much satisfaction. The inhabitants of James Island, opposite the town, illuminated their residences in demonstration of joy at the safe arrival of his Lordship; and the Charlestown Library Society, the South Carolina Society, the principal

of age upon his appointment as Governor of South Carolina. As a younger son of a duke he bore the courtesy title of Lord with his Christian and surname.

merchants, the clergy of the Church of England, and the Presbytery of the province, all hastened to present his Lordship with addresses of congratulation and loyalty.

The people of South Carolina were generally satisfied, and were earnest in their allegiance to the mother country. There were some, however, among those who were uniting in doing honor to the newly arrived Governor who were not content with the action of Parliament, and who fully appreciated the significance of the Declaratory act, and chief of these was Christopher Gadsden. He was still for decisive and energetic measures. He thought it folly to temporize, and insisted that cordial reconciliation was impossible under these terms; and while the community was in ecstasy at the repeal of the Stamp act, he received it, with its accompanying declaration, with indignation. His followers were mostly among the artisans and mechanics of the town, and chief among these was William Johnson, a blacksmith.

We have it on the authority of John Rutledge that William Johnson was the man who first moved the ball of revolution in Charlestown. He was an upright, influential, and intelligent mechanic, a man of considerable inherited means, who had not long since come into this province from New York.[1] At his instance two or three individuals assembled with him under an oak tree in Hampstead, or Mazyckboro', then a suburb of the town, and discussed the aggressions of the mother country. This oak became famous afterward as the "Liberty Tree." It stood in the centre of the square known as Mazyckboro',

[1] Johnson's *Traditions*. William Johnson was a member of every legislature and committee from the first of the Revolution to the year 1792, excepting only the Jacksonboro' legislature, in 1782, which took place before he had returned from exile in Philadelphia, whither he had been sent with the other exiles from St. Augustine, where they had been held by the British from August, 1780, to July, 1781.

now bounded by Charlotte, Washington, Calhoun, and Alexander streets. It was a place of social and political gatherings, and, as we shall see, much was done under its branches to further the cause of American independence. It became the place of the meetings of the Non-importation Association, and under its shade the Declaration of Independence was proclaimed with the most imposing ceremonies. When Charlestown was surrendered to Sir Henry Clinton, the tree was still in its original beauty. But its name and associations rendered it an object of aversion to the British authorities. It was not only cut down by them, but a fire was made under the still upright trunk by piling its branches around it, that the destruction might be complete. The low black stump was alone visible when the city was evacuated and the Revolution at an end.

In the course of time others were added to the original number of those who met with William Johnson under this tree, and upon one occasion, in the fall of 1766, Christopher Gadsden addressed them at considerable length on the folly of relaxing their opposition and vigilance, or of indulging the fallacious hope that Great Britain would relinquish her designs or pretensions. He then drew their attention to the preamble of the act, forcibly pressed upon them the folly of rejoicing at an act that still asserted and maintained the absolute dominion of Great Britain over them; and then, reviewing all the chances of succeeding in a struggle to break the fetters, whenever again imposed upon them, he pressed them to prepare their minds for the event. The address was received with silent and profound attention, and with linked hands the whole party pledged themselves to resist — a pledge which was fully redeemed when the hour of trial arrived.[1]

[1] A list of the persons present on this occasion: Christopher Gadsden, William Johnson, Joseph Verree, John Fullerton, James Brown, Na-

Another question arose at this time, which ended in the suspension of the legislative functions of the colony of New York. A clause in the Mutiny act of Great Britain required the colonists to supply the English troops with some necessaries of life, and this provision was now attempted to be enforced. Boston, as usual, disputed it at every point, and New York positively refused to obey. Dickinson of Pennsylvania, in his celebrated essays, *The Farmer's Letters*, maintained that if the British legislature had the right to order the colonies to provide a single article for British troops, it had the right to tax. "An act of Parliament commanding to do a certain thing," he argued, "is a tax upon us for the expense that accrues in complying with it." The news that New York had openly repudiated an act of Parliament by refusing to furnish troops with the necessaries of life produced a sensation in the colonies and indignation in Parliament, in which Chatham himself fully shared. "America," he wrote confidentially to Shelburne, "affords a gloomy prospect. A spirit of infatuation has taken possession of New York. Their disobedience to the Mutiny act will justly create a great ferment, open a fair field to the arraigners of America, and leave no room to any to say a word in their defence." Parliament passed an act suspending the legislative functions of the New York Assembly, and the Governor was forbidden to give his sanction to any local law in the province until the terms of the Mutiny act had been complied with. The increasing importance of American affairs occasioned the nomination of a third

thaniel Libby, George Flagg, Thomas Coleman, John Hall, William Field, John Lawton, Uz. Rogers, John Calvert, Henry Bookless, J. Barlow, Tunis Tebout, Peter Munclear, William Trusler, Robert Howard, Alexander Alexander, Edward Weyman, Thomas Searl, William Laughton, Daniel Cannon, Benjamin Hawes. Johnson's *Traditions*, 31–34.

Secretary of State in Great Britain about this time, whose department had a special reference to the colonies, and the Earl of Hillsborough was appointed to the new portfolio.

Parliament was not slow to make good its assertion of right in the Declaratory act. The very next year, 1767, an act was passed to put the customs and other duties in the colonies, and the execution of laws there relating to trade, under the management of commissioners to be appointed for the purpose and to be resident therein; also another act for more effectually preventing the clandestine running of goods in the colonies and plantations, and for granting duties in the colonies upon glass, red lead, white lead, painter's colors, paper, pasteboards, millboards, scale boards, and tea imported into them. These acts produced new discontents and commotions. Resolutions, petitions, memorials, and addresses against them followed; and associations for suspending further importations from British manufactures, until these obnoxious duties were removed, were again entered into at Boston and other places. But for the time they do not seem to have disturbed the people of South Carolina. The troubles in the upper part of the province arising from the inefficiency of the government to preserve order and protect property continued. But in the low country there was peace and plenty. The harbor of Charlestown was crowded with shipping. Hundreds of vessels lay at her wharves and rode at anchor before the town. Rice was being shipped all over the world. No wonder the people on the coast were generally in a good humor with the mother country and the government. They elected Lord Charles Greville Montagu, the Governor, President of the Library Society, and enjoyed themselves listening to the singing of the peace song, and witnessing the dancing of the eagle tail dance by Occonostota, or the great warrior Attakullakulla, or Little

Carpenter, the Prince of Chote, Tiftoe of Keowee, and the Raven of Toogaloo — all principal Cherokee headmen and chiefs, who had come with Alexander Cameron, the commissary of that nation, to pay their respects to his Excellency, and had been allowed an audience by the Governor. They had been received by the detachment of the Royal American regiment stationed at Charlestown, and the artillery and light infantry, with whose appearance the *Gazette* announced that the dusky warriors were greatly pleased.[1] There was racing, too, at Strawberry, in St. John's, Berkeley, in January, 1768, Mr. James Ravenel's filly beating Captain Harleston's, Mr. John Harleston's, and Mr. Paul Mazyck's colts; and Mr. Horry's filly running against Mr. Daniel Ravenel's. So, too, at the New Market Course, near Charlestown, William Henry Drayton, William Cattell, Samuel Elliot, Edward Fenwick, James Ravenel, Benjamin Elliot, and Thomas Nightingale all entered horses. On February 10, the brigantine *Lord Dungamore* brought in 120, and *Snow Billy Greg* 150, more passengers from the north of Ireland, most of these, no doubt, destined to join their friends and kinsmen in the upper country. Then on the 23d of May his Excellency the Governor embarks with his lady for a trip to Philadelphia, leaving the administration upon Carolina's favorite son, the Lieutenant Governor, to the great satisfaction of all the people.

When the Assembly met in November, his Excellency, who had returned from his trip to the North, called attention to the unhappy situation of affairs in the back country. The trouble arose from the inability of the government on the coast to afford protection and to administer justice in the newly settled up country ; and this inability was chiefly owing to the shameful abuse of the office of Provost Marshal

[1] *So. Ca. Gazette*, November 17, 1767.

or High Sheriff of the province, and of the influence it exercised in England in preventing the establishment of courts in that section, of which we shall have occasion directly to speak more fully. For the present it is enough to say that in the absence of courts of justice within their reach the inhabitants of this section found it necessary to form an association, which was called Regulation, and the persons composing it Regulators. Against these the horse thieves, their associates, and other criminals made common cause, and received some support from persons who objected to the irregularity of the Regulators.

Most of the inhabitants favored one or other of these parties. The one justified the proceedings of the Regulators on the score of necessity, and substantial though irregular justice; the other pretended to be jealous, as British subjects, of their right to a legal trial by a court and jury. As Dr. Ramsay, the historian, says, though the former meant well, yet justice is of so delicate a nature that form as well as substance must be regarded. It is therefore probable that in some cases the proceedings of the Regulators may have so far partaken of the infirmities of human nature as to furnish real grounds of complaint against them. Their adversaries made such high-colored representations that the Governor adopted measures for their suppression, in which he was alike as unfortunate in the measures themselves as in the person to whom he intrusted them. He conferred a high commission to suppress these disorders on a man whose name was variously written, Scovil or Schovel or Schofield, one whose conduct, character, and standing in society had rendered him unfit for the position, had the Governor the right to give any one such a commission. The conduct of this man added greatly to the difficulties of the situation and exasperated the people. An appeal was made to the Governor, who

sided with the Scovilites, his creatures. In a speech to the Assembly, calling attention to these troubles, his Excellency said that tumultuous risings of any people, if not attended to, are of a dangerous tendency; they are a disgrace to a country, and particularly pernicious to a commercial and newly settled colony; he desired the Assembly to take means to suppress the licentious spirits that had assumed the name of Regulators, and in defiance of government and in subversion of order had illegally tried, condemned, and punished many persons.

This was an instance of the conduct of the government, which was quietly sapping its authority and influence in the province of South Carolina far more than by its imposition of taxes, which the people did not feel, and which was a prospective and contingent evil rather than an actual grievance. This was an actual and pressing wrong. To preserve the emoluments of the office of High Sheriff to a favorite at the Board in England, courts were denied the inhabitants of the remote parts of the province; and when the people, driven by necessity, took the law into their own hands, they had the Royal Governor prating to them of the beauties and excellence of a well-ordered society, and treating as criminals many who were only trying to preserve some order and peace for themselves and their families.

The disturbances continued while the Assembly was deliberating on the remedy. One John Bowles attempted to take the life of Thomas Woodward, the leader of the Regulators, and was himself killed.

CHAPTER XXX

1768

On the 11th of February, 1768, the Massachusetts House of Representatives addressed a circular letter to the several assemblies of the provinces, stating that they had taken into serious consideration the great difficulties that must accrue to themselves and their constituents by the operation of the several acts of Parliament imposing duties and taxes on the American colonies; that as this was a subject in which every colony was deeply interested, they had no reason to doubt but that each Assembly was deeply impressed with its importance; and that such constitutional measures would be adopted as were proper; that it was necessary that all possible care should be taken that the several assemblies upon so delicate a matter should harmonize with each other. They hoped, therefore, that their letter would be considered in no other light than as expressing a disposition freely to communicate their minds to sister colonies upon a common concern.

The letter went on to say that the House of Representatives of Massachusetts had humbly represented to the Ministry that his Majesty's High Court of Parliament was the supreme legislative power over the whole empire; that in all free States the constitution is fixed, and as the supreme legislation derives its power and authority from the constitution, it could not overleap the bounds of it without destroying its own foundation; that the constitution ascertains and limits both sovereignty and allegiance, and therefore his Majesty's subjects, who acknowledged

themselves bound by ties of allegiance, had an equitable claim to the full enjoyment of the fundamental rules of the British constitution; that it was an essential unalterable right in nature, engrafted on the British constitution as a fundamental law ever held sacred and irrevocable by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but which cannot be taken from him without his consent; that the American subjects might therefore, exclusive of any consideration of charter rights, with a discreet firmness adapted to the character of freemen and subjects, assert their natural constitutional right. That it was, moreover, their humble opinion that acts made by Parliament, imposing duties on the people of the provinces with the sole express purpose of raising a revenue, were infringements of their constitutional rights, because they were not represented in the Parliament, his Majesty's Commons in Britain by their acts granting their property without their consent.

That they were further of opinion that their constituents, considering their local circumstances, could not possibly be represented in the Parliament, and that it was impracticable that they should be, separated as they were by an ocean of a thousand leagues; that his Majesty's Royal predecessors for this reason were graciously pleased to form a subordinate legislature here, that their subjects might enjoy the inalienable right of representation. That considering the utter impracticability of being fully and equally represented in Parliament, and the great expense that would unavoidably attend even a partial representation there, the House thought the taxation of their constituents, even without their consent, grievous as it was, would be preferable to any representation that could be admitted for them.

Upon these principles, and also considering that were the right in Parliament clear, yet for obvious reasons it would be beyond the rules of equity that their constituents should be taxed on the manufactures of Great Britain here in addition to their duties paid for them in England, and other advantages arising to Great Britain from the acts of trade, the House had preferred a humble, dutiful, and loyal petition to their most gracious sovereign, and made such representations to his Majesty's ministers as they apprehended would obtain redress.

The letter declared that these were the sentiments and proceedings of the House, and as they had too much reason to believe that the enemies of the colonies had represented them to his Majesty's ministers in Parliament as factious and disloyal and having a disposition to make themselves independent of the mother country, they had taken occasion in the most humble terms to assure his Majesty and his ministers that with regard to the people of that province, and, as they had no doubt, of all the colonies, the charge was false.

This circular letter of the Massachusetts House was received and read in the House of Burgesses of Virginia on the 2d of April; and on the 7th resolutions reaffirming the exclusive right of the American assemblies to tax the American colonies were unanimously adopted, and soon after the Burgesses directed their Speaker to write to all the assemblies on the Continent to make known their proceedings and to intimate how necessary they thought it that the colonies should unite in a firm but decent opposition to every measure which might affect their rights and liberties.

In pursuance of this direction, on the 9th of May, Mr. Peyton Randolph, the Speaker, addressed a letter to Mr. Peter Manigault, the Speaker of the Commons' House of

South Carolina, in which, stating that the House of Burgesses of Virginia, having attentively considered the several acts of the British Parliament relating to the revenue, and being of opinion that they manifestly tended to deprive the inhabitants of the colonies of their essential rights and privileges, had thought it their duty as the representative of a free people to take every regular step to assert that constitutional liberty on the destruction of which these laws seemed to be erected.

They had thought it proper, Mr. Randolph said, to represent that they were sensible of the happiness and security they derived from their connection with and dependence upon Great Britain, and were under the greatest concern that any unlucky incident should interrupt that salutary harmony which they wished ever to subsist. They lamented that the remoteness of their situation often exposed them to fresh misrepresentation, apt to involve them in censures of disloyalty to their sovereign and the want of proper respect to the British Parliament, whereas they had indulged themselves in the agreeable persuasion that they ought to be considered as inferior to none of their fellow-subjects in loyalty and affection.

They did not desire, Mr. Randolph declared, an independence of the parent kingdom, but cheerfully acquiesced in the authority of Parliament to make laws for preserving a necessary dependence and for regulating the trade of the colonies; yet they could not conceive that it was essential to the support of a proper relation between the mother country and the colonies that she should have the right to raise money from them without their consent. Mr. Randolph went on then to argue the questions involved, with great clearness and ability, and concluded that the House of Burgesses he represented was not without hopes that by a hearty union of the colonies the constitution might

again be established in its genuine principles — an end equally to be desired both by the mother country and her colonies.

These circular letters of Massachusetts and Virginia certainly breathed no spirit of rebellion. That of Massachusetts charged that it was the enemies of the colonies who represented to his Majesty that the people of that colony had a disposition to make themselves independent of the mother country; and that of Virginia declared that her people did not desire an independence of the mother kingdom. These express declarations were no doubt necessary, at least in South Carolina, to obtain a coöperation with those colonies; for the people of South Carolina generally were still devoted in their love to the mother country, and at heart loyal to its government. But when the news of the circular letter of Massachusetts reached the ministers in England, on the 15th of April, 1768, it was declared to be an incentive to rebellion; and in order to insulate the offending province a letter was sent by the Earl of Hillsborough, the Secretary for the colonies, to the Governors of the twelve other colonies, with a copy of the circular, which was described as "of a most dangerous and factious tendency," calculated "to inflame the minds" of the people, "to promote an unwarrantable combination, and to incite to open opposition to the authority of Parliament," and each was directed to exert his utmost influence to prevail upon the Assembly of his province to take no notice of it. "If they give any countenance to this seditious paper," wrote Hillsborough, "it will be your duty to prevent any proceedings upon it by an immediate prorogation or dissolution." To Governor Bernard of Massachusetts he wrote: "You will therefore require the House of Representatives in his Majesty's name to rescind the resolution which gave birth to the circular letter from the

Speaker, and to declare their disapprobation of that rash and hasty proceeding."

The letter of the Earl of Hillsborough reached Governor Bernard at a time when Boston was greatly excited over the seizure of John Hancock's sloop *Liberty*. Boston had risen to wealth and importance in a great measure by carrying on trade to the West Indies and the Spanish colonies in South America; and this trade, though forbidden by the strict letter of the Navigation act, had nevertheless been permitted, or at least overlooked: it was the means of introducing specie and bullion into the American colonies, and enabling the colonists thereby to make remittances of money to England in discharge of their debts. But the new commissioners of customs, anxious to evince the utility of their appointments, kept vigilant eyes upon the Boston trade, and particularly upon the vessels which were owned in that port. In this they were encouraged by the arrival in Boston of two British regiments, escorted by seven sloops of war, which had been sent to strengthen the government. The sloop *Liberty*, belonging to John Hancock, a leading merchant, arrived in June, 1768, laden with wines from Madeira, whereupon a custom-house officer went on board to inspect the cargo. He was seized by the crew and detained for several hours, while the cargo was landed, and a few pipes of wine were entered on oath, as if they had been the whole. On the liberation of the officers the vessel was seized for a false entry, and in order to prevent the possibility of a rescue, it was removed from the wharf under the guns of a man-of-war. A great riot followed, and the custom-house officers were obliged to fly to a ship of war, and afterward to the barracks, for protection.[1]

[1] *England in the Eighteenth Century* (Lecky), vol. III, 390; Drayton's *Memoirs*, vol. I, 62.

The Assembly was in session, and on Tuesday, the 21st of June, Governor Bernard sent in a message communicating to the Assembly the demand of Hillsborough that the resolution authorizing the circular letter should be rescinded. Replies of sympathy had been by this time received from Connecticut and New Jersey: but the letter from Virginia gave the Assembly of Massachusetts more courage than all the rest. The House, says Bancroft, employing the pen of Samuel Adams, without altering a word, reported a letter to Lord Hillsborough, in which they showed that the circular letter of February was indeed the declared sense of a large majority of their body, and expressed their reliance on the clemency of the King: that to petition him would not be deemed inconsistent with respect for the British constitution, nor to acquaint their fellow-subjects of their having done so be discountenanced as an inflammatory proceeding.

Then came the great question, taken, it is said, in the fullest House ever remembered. The votes were given by word of mouth, and against seventeen that were willing to yield, ninety-two refused to rescind. They finished their work by a message to the Governor, thoroughly affirming the doings from which they had been ordered to dissent. On this Governor Bernard prorogued, and then dissolved, the Assembly.[1]

The action of Massachusetts met with general approval in the other colonies. Mr. Bancroft says that as for South Carolina, they could not enough praise the glorious ninety-two who would not rescind, toasting them at banquets and marching by night through the streets of Charlestown in processions to their honor by the blaze of two and ninety torches.

These circular letters of Massachusetts and Virginia

[1] Bancroft's *Hist. of the U. S.*, vol. VI. chap. XXXIV.

were received by Peter Manigault, the Speaker of the Commons' House of South Carolina, and on the 10th of July, 1768, he wrote to Thomas Cushing, Speaker of the House of Representatives of Massachusetts, acknowledging the receipt of his letter of the 11th of February, and saying that the Commons' House of the province of South Carolina, ever attentive to the rights and privileges of themselves and their constituents in particular, and the liberties of America in general, had before their last adjournment ordered the committee of correspondence to write to Mr. Charles Garth, the agent in Great Britain, to join with the agents of the other provinces in obtaining a repeal of the acts of Parliament in question; and they had further instructed the agents to join the agents of the other provinces in all matters in which the general interests of North America were concerned. That the committees had written on the 15th of April and given ample instructions to Mr. Garth. The House, he wrote, had adjourned on the 12th of February, and had since been prorogued, and as the term of its existence by law would expire on the 13th of September, he thought they would not meet again, but would speedily be dissolved, and that writs would be issued for the election of a new Assembly; he was afraid, therefore, he would not have the opportunity of laying the letter of Massachusetts before the present House; but this he hoped would not be attended with any inconvenience, as the steps were already taken which the letter so fully and warmly recommended. He was persuaded that, notwithstanding the invidious light in which his Majesty's faithful colonies had been misrepresented to the mother country, the time would soon come when they should have a fair and candid hearing, the consequences of which must be a relief to all. Mr. Manigault addressed a similar letter of acknowledgment to Mr.

Peyton Randolph, Speaker of the House of Burgesses of Virginia.

As Mr. Manigault had intimated, the term of the Commons then in office expired, and writs were issued for a new election on the 5th of October. The election, however, aroused but little interest in the province generally. On the contrary, there was a general apathy in regard to it. So great, indeed, was this that no elections at all were held in the parishes of Prince William and St. Helena. But the mechanics in Charlestown had not forgotten their pledge made around the Liberty Tree. Quite a number of them gathered there on Saturday, the 1st of October, to consult upon the choice of proper persons to represent them in the ensuing Assembly. They first held a meeting in town, which was numerously attended, and which constituted what would now be called a caucus or nominating convention. Several gentlemen were put up for the nomination in the two town parishes. A vote was taken, and upon the count a great majority were in favor of Christopher Gadsden, Thomas Smith, Sen'r, and Hopkins Price from St. Philip's Parish, and Thomas Smith (designated as "B—— S——," *i.e.* Broad Street) and Thomas Savage from St. Michael's. Henry Laurens and Charles Pinckney, whose names had been suggested, failed to get the nomination of the mechanics.

This matter being settled without the least animosity or irregularity, the *Gazette* goes on to say, the company partook of a plain and hearty entertainment, provided, it seems, by some of the candidates. About five o'clock they adjourned to the Liberty Tree, described by the *Gazette* as a most noble oak in Mr. Mazyck's pasture, which they had formerly dedicated to Liberty. There many loyal, patriotic, and constitutional toasts were drunk, beginning with "*The glorious ninety-two anti-rescinders of*

Massachusetts Bay," and ending with "*Unanimity among the members of the ensuing Assembly not to rescind from the said resolution.*" The popular sentiment of at least the people of the low country of South Carolina warmly espoused the cause of Wilkes. His private character mattered not to them. He stood the champion of common right and liberty. He was fighting in England in the same cause for freedom in which they were about to embark in America, and so his name was at once associated with those of the glorious *ninety-two* of Massachusetts. In the evening the Liberty Tree was decorated with forty-five lights, and forty-five sky rockets were fired, in honor of Wilkes and the *North Briton*, *No. 45*. Then the whole company, preceded by forty-five of their number carrying as many lights, marched in regular procession to town, down King Street to Broad Street to Mr. Dillon's tavern, where forty-five lights were placed on the table, and forty-five bowls of punch, forty-five bottles of wine, and ninety-two glasses. Around these the party spent some hours more in a new round of toasts, among which we are told that scarce a celebrated patriot of Britain or America was omitted.

But there were many people who were not yet disposed to pledge themselves to Wilkes and the non-rescinders of Massachusetts, nor to swallow as a whole the ticket of the mechanics. Interest became excited in the election. The contest was between Mr. Laurens, Mr. Pinckney, Mr. Lloyd, and Mr. Ward on the one hand, and the nominees of the mechanics, Mr. Price, Mr. Savage, and Mr. Smith, on the other. Christopher Gadsden was acceptable to all. The mechanics failed in their efforts to exclude Mr. Laurens and Mr. Pinckney; but their favorite leader, Christopher Gadsden, was elected without opposition. Again, in the evening after the election, they marched in

procession with forty-five lights from Mr. Poinsett's to Mr. Stephen's coffee-house, and thence with ninety-two to Mr. Dillon's, where they drank to unshaken loyalty and the love of liberty consistent with it, and to abhorrence of oppression and oppressors.

Mr. William Wragg had some time before the election addressed a letter to the electors of St. John's Parish, Colleton,[1] in which, while declaring that he would not so much as suspect he had incurred their displeasure by making an unseconded motion for erecting a statue in honor of his Majesty as an expressive testimony of their loyalty, in preference to Mr. Pitt, — a name to which, he says, he would give no epithet, but of whose conduct he nevertheless proceeds to intimate no flattering opinion, — he expressed a desire that the electors would transfer their support to some other gentleman in his room, as circumstances had occurred to make it impossible for him to give the attention which the position required. That he was right in believing that his loyalty to the King and his opinion of Mr. Pitt had given no offence to his constituents was shown by his reëlection, notwithstanding his refusal to be a candidate. But in another letter, in which he refused to serve, he took occasion again to declare that no consideration made him decline but his inability to comply with the terms upon which such an honor ought to be possessed. He reminded them that they were not ignorant that his political faith was never pinned upon another's sleeve, that he had not been intimidated by a supercilious brow or forbidding countenance, and that, having the right to judge and freedom to speak when their representative, he had ever exercised both by supporting and adhering to any argument that had weight with him. He was confident that the peace and security of his countrymen were

[1] *So. Ca. and Am. Gen. Gazette*, September 16, 1768.

no more to be procured by violent resolutions, nor established by outrage and tumult, than Heaven could be taken sword in hand.

Lieutenant Governor Bull prorogued the Assembly from the 25th of October to the 15th of November to await the return of his Excellency the Governor, Lord Charles Montagu, who had been with his lady to Boston. The Governor returned on the 30th, much improved in health, the ostensible object of his visit to Boston; but no doubt while there he had been in consultation with Governor Bernard, and he came back determined to put a stop to any reply by the Commons of South Carolina to the circular letters of Virginia and Massachusetts.

The legislature assembled at the State House in Charlestown on the 16th of November, 1768, and the House unanimously chose Peter Manigault, the Speaker of the last House, Speaker of this. The next day his Excellency addressed the Commons' House. After some allusion to other matters, he came to the point of his speech. He trusted, he said, that the gentlemen would exert themselves to discountenance and treat with the contempt it deserved any letter or paper that might have the smallest tendency to sedition, or by promoting an unwarrantable combination to inflame the minds of people to oppose the authority of the Parliament or the government of their gracious sovereign.

The speech of his Excellency was referred to a committee consisting of Messrs. Parsons, Gadsden, Laurens, Pinckney, Rutledge, Lloyd, Elliot, Lynch, and Dart. The Speaker then laid before the House the two letters from Virginia and Massachusetts, and by the desire of the House read them. He informed the House he had answered these letters, and read a copy of that to Mr. Cushing, the Speaker of the House of Massachusetts. The

House ordered the two letters referred to the committee to whom had been referred the speech of his Excellency. On the 19th Mr. Parsons reported from the committee. The report assured his Excellency of the loyalty, zeal, and affection for his Majesty's person, family, and government, which they gloried in saying filled the heart of every American subject; and that no paper or letter appearing to have the smallest tendency to sedition or to inflame the minds of the people to oppose the just authority of Parliament or the government of their sovereign had ever been laid before them; that should any such appear, they assured his Excellency they should treat it with the contempt it deserved. The address was adopted by the House, and Mr. John Huger and Mr. James Skirving were ordered to wait on the Governor and inform his Excellency that the House had an address to present. Mr. Parsons also reported from the committee a series of resolutions in regard to the letters from Massachusetts and Virginia, declaring these replete with duty and loyalty to his Majesty, respect to the Parliament of Great Britain, sincere affection for their mother country, tender care for the preservation of the rights of all his Majesty's subjects, and founded upon undeniable constitutional privilege. The committee recommended that a humble and dutiful and loyal address from the House should at once be prepared and sent to the agent, to be presented to the King, imploring his royal protection and interposition with the Parliament to relieve the American subjects from the grievances they labored under in consequence of the acts passed for raising a revenue in America. The report was unanimously agreed to by the House, and the Speaker was directed to write to the Speakers of the Houses of Massachusetts and Virginia, inclosing copies of the resolutions, and assuring them of the approbation of the Carolina House of the measures

taken by theirs to obtain redress of the grievances mentioned in their letters, and to thank them for communicating to their fellow-subjects and sufferers in this and other provinces the proceedings of their Houses upon these important points.

Of a House of fifty-five members, when properly constituted, there were present but twenty-six upon the adoption of these resolutions — a fact so significant as to lead strongly to the conclusion that some of those at least who did not appear remained purposely away. It is true that the Commons were seldom prompt in forming a House, it often happening that some days were lost in obtaining a quorum; but this was an occasion calling for the prompt attendance of all those whose hearts were in the movement. This supposition is strengthened by the manner in which the course of the twenty-six was applauded and commemorated — an applause which would scarcely have been so warmly given had there been no opposition. This view is countenanced also by an allusion to the minority in the letter of Mr. Speaker Manigault to Thomas Cushing, the Speaker of Massachusetts, in forwarding the resolutions. An examination of the journal shows that the celebrated twenty-six were the representatives of the two town parishes, and of parishes in the near vicinity of the town.[1]

The House then ordered the committee of correspondence to write to the agent in Great Britain to join with

[1] The following were the members of the Commons' House, elected October 6 and 7, 1768. No election took place in St. Helena nor in Prince William's Parish. Tacitus Gaillard was returned for both St. James's, Goose Creek, and St. George's, Dorchester. He sat for the latter parish. Thomas Lynch was returned for both Prince George's, Winyah, and All Saints'. He sat for Prince George's. Deducting, therefore, the five members from St. Helena, three from Prince William's, and one each from St. James's, Goose Creek, and All Saints', there were but forty-five

the agents of the other provinces in obtaining a repeal of the several acts of Parliament which had lately been passed, laying duties in America, and to endeavor to prevent the clause of billeting soldiers in America in the next act upon the subject. They ordered also a committee, to consist of Gadsden, Lynch, and Rutledge, to prepare an address to his Majesty, humbly imploring his royal protection and interposition as recommended in the resolutions adopted.

Mr. Huger then reported that Mr. Skirving and himself had waited on the Governor, pursuant to the order of the House, and delivered the message they had in charge, and that his Excellency would receive the House at one of the clock on that day at his own house. Accordingly the Speaker, with the House, attended. The Governor received them, thanked them for their congratulations extended to him on his return, but went on immediately to say that he thought it his duty to acquaint them that

members entitled to seats in this House. The names of the twenty-six Anti-rescinders are italics: —

St. Philip's: *Christopher Gadsden*, *Henry Laurens*, *Charles Pinckney*. St. Michael's: *Benjamin Dart*, *Thomas Savage*, *John Lloyd*. St. James's, Goose Creek: (Tacitus Gaillard), Arom Locock, Moses Kirkland. St. James's, Santee: *Thomas Evance*, Daniel Horry. Christ Church: *John Rutledge*, *John Poaug*. St. Thomas's and St. Dennis's: *Peter Manigault*, *John Huger*, *Robert Quash*, *Jr.* St. John's, Berkeley: *William Moultrie*, *Edward Harleston*, *John Harleston*. St. Andrew's: *William Scott*, Jeremiah Savage, George Sheed. St. Paul's: *Benjamin Elliott*, *Charles Elliott*, *Archibald Stanyarne*. St. Bartholomew's: Rawlins Lowndes, *James Parsons*, *James Reid*, *James Skirving*, *Jr.* St. Helena: none. Prince Frederick's: Charles Cantey, Theodore Gaillard. St. George's, Dorchester: *Benjamin Waring*, *Tacitus Gaillard*. Prince George's, Winyah: *Thomas Lynch*, *Elias Horry*. St. John's, Colleton: William Wragg, Robert Rivers, John Freer. Prince William's: none. St. Peter's: William Williams. St. Stephen's: Peter Sinkler. St. Mark's, Clarendon: Benjamin Farar. All Saints', Waccamaw: (Thomas Lynch), Joseph Allston. St. Luke's: Daniel Heyward, Stephen Drayton.

his Majesty considered the circular letter from the Massachusetts Bay, of February 11, 1768, as a measure of the most factious tendency, calculated to inflame the minds of the good subjects in America, to promote an unwarrantable combination, and encourage an open opposition to, and denial of, the authority of Parliament. He hoped that the House might see it in this view, and that by paying no attention to it they might avoid any disagreeable consequences that might attend the contrary.

Upon their return to their chamber, the House referred the Governor's message to the same committee, and ordered that his Excellency's speech, with the address of the House to him, and the letters from Massachusetts and Virginia, with the resolutions thereupon and all matters relating thereto, be printed and made public. This was done in a special issue of the *Gazette*.[1]

The House was just in time; for his Excellency the Governor, upon their leaving, at once issued his proclamation declaring that he thought it expedient for his Majesty's service that the present General Assembly should be dissolved.

Mr. Manigault, the Speaker, however, on the 9th of January, 1769, in pursuance of the order of the House, addressed answers to the Speakers of Massachusetts and Virginia, enclosing them journals of the proceedings of the House during the short but interesting period of its existence, which, he wrote, must convince the impartial world that they had acted with duty and affection to his Majesty, while they had supported with firmness the rights they had under the constitution. The House, he said, was dissolved the very day they had entered the resolutions he enclosed. This mode of proceeding, he added,

[1] The *South Carolina Gazette Extraordinary*, Thursday, November 24, 1768.

might for a time involve the province in some difficulties; but he trusted that nothing which the Ministry could invent would prevail upon a Commons' House of Assembly of South Carolina to surrender the liberties and privileges of the people to any power upon earth.

CHAPTER XXXI

1769

On February 8, 1769, writs for a new election of Representatives in the General Assembly had been issued for Tuesday and Wednesday the 7th and 8th of March. The election was accordingly held, and the now famous twenty-six who had voted to instruct the Speaker of the last House to write to Massachusetts and Virginia were all reëlected. Saturday, the 11th of March, the anniversary of the repeal of the Stamp act was commemorated, as the news of the repeal itself had been. The mechanics again had an entertainment and marched in procession, this time, however, preceded by *twenty-six* lights, to Mr. Dillon's tavern, where they were honored by the company of the late Speaker, Mr. Manigault, and several of the newly elected representatives of the people, and spent the evening in the most social and joyous manner, "drinking truly loyal, patriotic, and constitutional toasts." The day being as well the anniversary of the Masters' Lodge of Free Masons, they also met and had an elegant entertainment at Mr. Poinsett's tavern, where the most worshipful and honorable Egerton Leigh, Esq., Provincial Grand Master, and other distinguished brothers, spent the day in a manner suitable to the occasion and the institution. At James Island, too, and several other places in the country, it was likewise celebrated. But, says the *Gazette*, everywhere the joy seemed to be in some measure damped by the existence of the Revenue acts, which had been substituted

for the Stamp act — a repeal of which upon constitutional principles that journal held would restore the most perfect harmony and such a mutually beneficial union between Great Britain and the colonies as every well-wisher of both, it added, must desire to be perpetuated. Among the toasts drank in the different assemblies upon the occasion were: "The Great American Patriot; the Pennsylvania Farmer;" all the patriots in Britain and America by names; "The Virginia and Massachusetts Assemblies;" "The Glorious Ninety-six and Twenty-six;" "Perseverance and Success to American Manufacturers;" "Confusion to all attempts to subvert the British Constitution;" "A speedy repeal of all unconstitutional acts of Parliament, and a perpetual Union upon constitutional terms."

The General Assembly, after having been prorogued from time to time, was allowed by his Excellency the Governor, who had meanwhile made a tour of the upper country, to meet on the 26th of June. The Assembly at once unanimously reëlected Peter Manigault Speaker, and presented him to his Excellency, who was pleased to approve of the choice; and thereupon opened the session with his speech, as usual upon such occasions.

His Majesty, he said, had been pleased to intimate to him that it was not his intention that the province in general should longer suffer on account of the intemperate resolutions of the late House by a discontinuance of the meetings of the representatives. He had taken the earliest opportunity to call them together for the necessary dispatch of the public business, which he trusted they would proceed upon with prudence, unanimity, and expedition. He called their attention especially to the grievances their fellow-subjects of the interior parts of the province suffered from the want of an equal distribution of justice, and as he had lately been an eye-witness to the distresses they

labored under, he earnestly recommended the Assembly to pursue such measures as would tend to relieve them; and to aid their deliberations on this point, he laid before the House copies of a report of the Lords Commissioners for Trade and Plantations upon the bill for establishing circuit courts passed some time since, from which they would see the reasons which prevented the act from receiving the Royal approbation. He recommended them to consider suitable regulations as to the Indian trade; and concluded with observing very earnestly that the growing interest of the province could not fail to raise the most pleasing reflection in the breast of every well-wisher to its prosperity. The late liberal bounty granted by Parliament on the importation of silk, as it flattered them with hopes of adding another valuable staple to the province, could not fail to add to their gratitude, which the many just benefactions they had received from the mother country most fully deserved.

The act to which his Excellency alluded, that to encourage the culture of silk in the province, granted a bounty upon all raw silks imported directly from America into the port of London for twenty-one years: for the first seven years, twenty-five per cent; for the next seven, twenty per cent; and for the last, fifteen per cent. By another act at the same time, raw and undressed hides and skins imported from any of his Majesty's plantations in America were relieved from duty, and rice was permitted to be exported to any part of America to the southward of Georgia. The bounty upon silk was meant for the encouragement especially of the Huguenots who had settled in Abbeville.

In their addresses in answer to the speech of the Governor, the Commons were very firm in the maintenance of the position the former House had taken, and replied with

spirit that they were extremely concerned that the necessary and constitutional resolutions of the late House of Assembly had given such offence to the government as to occasion the late long discontinuance of the sitting and holding of the General Assembly when the circumstances of the province absolutely required their meeting; but more especially when they considered that the discontinuance was extended beyond the term expressly limited both by the election law passed in 1721 and by the constant usage and custom from that time. They went on to say further that they were willing to believe that his Excellency did not mean by this step to infringe a right of the people of the province, which they, their representatives, could upon no consideration give up; they hoped that what had been done would neither be drawn into precedent nor repeated in the future.

Having thus read his Excellency a lecture, the House went on to say that he might depend upon their proceeding in the business committed to them, though, they added, they despaired of carrying on the same with greater temper, prudence, unanimity, or expedition than the last House seemed to have done. They were sensibly affected by the distresses of their fellow-subjects in the back settlements, and happy were they that their distresses could not be imputed to the representatives of the people, who had been always ready to hear their complaints and redress their grievances, and who, notwithstanding the little success their repeated attempts had been attended with, would with alacrity resume the consideration of that matter, as well as that of the regulation of the Indian trade. They assured his Excellency they would make ample and speedy provision for the payment of the public debt. They were truly sensible of and grateful for the favors conferred on them by their mother country, and sincerely wished that

the bounty lately granted for silk might speedily operate so as to produce such a quantity of that commodity as might be beneficial to the colony, and — they rather ungraciously observed — as might prevent Great Britain being obliged to seek a precarious supply of that necessary article of their manufactures from foreigners.

His Excellency was evidently not in a quarrelsome mood. His health was bad, and he expected soon to return to England and leave the province in the hands of the Lieutenant Governor; so, taking no notice of its ungracious tone, the Governor simply returned his thanks for the address, assuring the House that it was never his intention to infringe upon any rights of the people, particularly when they had the sanction of the law. There was probably another reason for his Excellency's mildness. He had a demand to make upon the House which he knew would be resisted, and he probably did not wish to involve himself and his friends in unnecessary questions.

The British troops which the people of the colony had hailed so joyfully but a few years before, when they had come to the defence of the province against the Indians in the Cherokee war, had become rather a source of fear and apprehension than of a sense of protection, and the colonists who had so welcomed them now began to wish them to go. It had been intimated that they were to be withdrawn, and one regiment had actually embarked. But General Gage, commanding the British forces in America, had ordered other troops to Charlestown, and had written a letter to his Excellency, calling upon him to provide barracks and necessaries for their support; and the Assembly had scarcely been organized before the Governor sent in to the Commons a message making application accordingly. The message was at once referred to a committee consisting of Mr. Lynch, Mr. Lowndes, Mr. Dart, Captain

Gadsden, Mr. Moultrie, Mr. Williamson, Mr. Huger, Mr. Poaug, and Dr. Oliphant. Captain Gadsden, from the committee, reported on the 1st of July, and moved the House that a message be sent to the Governor to desire his Excellency to inform the House whether his Majesty's troops then in the province were to garrison the frontier forts, as had been done by the independent companies and the several detachments of his Majesty's troops from time to time. The message was sent, and the Governor replied on the 4th of July, sending in a copy of General Gage's letter to him, received before the arrival of the troops. General Gage's letter stated that he was apprehensive that there would be a larger number of troops assembled at St. Augustine than the barracks there could accommodate, and begged the favor of his Lordship to give directions that such a number as the officer commanding at St. Augustine should not be able to put under cover might be provided with quarters in Charlestown until the next spring. The committee took the message and letter, pocketed them, and the matter was quietly ignored. On the 27th of July the Governor again called their attention to the matter, in reply to which a message was sent stating that the House had been so closely engaged in consideration of the Circuit Court bill for the upper country that the committee to whom the matter had been referred had not been able to report.

Lord Charles Montagu was about to leave the province for England, and the House politely made him an address, expressing their concern for the bad state of his health, and the necessity he found himself under of embarking for Great Britain on that account; that his Excellency's appointment to the government, and his arrival in the province, had given the greatest satisfaction; nor could they express their grateful acknowledgment for the generous regard his Excellency had upon all occasions desired

to show for the welfare of the province. They begged particularly to return his Excellency their thanks for the assurances of his endeavors to render any service or benefit to the province during his residence at home, in which they placed the highest confidence, not doubting that it would lead to what they most earnestly wished for — a good understanding and lasting intercourse upon the principles of justice and constitutional liberty between the mother country and all his Majesty's subjects. The Governor returned his thanks, and on Saturday, the 29th, embarked, saluted by a discharge of cannon from all the forts as he passed, and, the *Gazette* added, had gone fully possessed of the affections of the whole body of the people, which he had won by the mildness of his administration, the easiness of access to his person, and his other amiable qualities. He had gone with all proper and kindly things said and done, but he had not gotten an answer to his message requiring the Assembly to provide quarters for his Majesty's troops. The Governor had left the province, and Lieutenant Governor Bull for the third time assumed the administration of affairs.

On the 10th of August Mr. Lynch reported from the committee to whom the Governor's several messages and General Gage's letter had been referred. The committee were of opinion, he reported, that no provision ought to be made for supplying the troops now in Charlestown with barracks and necessaries: first, because it appeared clearly from General Gage's letter that the troops in question were not intended to do the duty of garrisons on the frontier; second, because it appeared that the only reason of their being sent here was because they could not be quartered in the barracks at St. Augustine, where they were intended to be placed; third, because General Gage had not in his letter applied to his Excellency for any such

necessaries; and, fourth, because the existing act of Parliament for raising a revenue in the colonies for the purpose of supporting and maintaining his Majesty's rights in America, by virtue of which a very large revenue was actually levied on the inhabitants of the colony, furnished a fund, out of which the committee thought the expense and quarters of these troops should be defrayed.

The report was adopted on the 16th of August, and a message was sent to the Lieutenant Governor informing him that the House would not agree to make any provision for the troops. This message, which was prepared by a committee, and reported by Mr. Rutledge on the 19th of August, enlarged upon Mr. Lynch's report, and concluded with an assurance to the Lieutenant Governor that when the acts so loudly and unanimously complained of by their fellow-subjects of America as unconstitutional should be repealed, and the colonies restored to that degree of his Majesty's favor and confidence which they formerly enjoyed and justly deserved, and to their ancient free and honorable station of granting or refusing what should be constitutionally required for his Majesty's service, they would at all times rejoice in every opportunity of manifesting their duty and affection to his sacred person and government by a ready attention to all requisitions on the part of the Crown and speedy compliance with such as should appear to them just and reasonable.

The Parliament in England had greatly aggravated the causes of trouble already existing, by adopting at the instance of the Duke of Bedford an address to the sovereign suggesting that the names of the most active agitators should be transmitted to one of the Secretaries of State, and that a long-disused statute, which empowered the government to bring to England for trial persons accused of treason, should be put in force. The last, and indeed

the only, instance in which this law had been applied to America was that of Culpepper before alluded to, who was arrested in England and tried there on the charge of treason in Carolina. Virginia promptly resented the threat. The House of Burgesses adopted a series of resolutions claiming the sole right of imposing taxes, asserting the lawfulness and expediency of procuring a concert of the colonies, protesting against the flagrant tyranny of applying to America the obsolete statute of Henry the Eighth, and warning the King of the dangers that would ensue if any person in any part of America should be seized and carried beyond the sea for trial. It asked the concurrence of every legislature in America to these resolutions. On the 17th of August, the Speaker, Peter Manigault, laid before the House a letter of Peyton Randolph, Speaker of the House of Burgesses of Virginia, enclosing a copy of these resolutions, whereupon it was resolved that the House would take them into consideration on the next Saturday, and ordered that every member should attend. On that day the House proceeded to the consideration of the Virginia resolutions, and unanimously concurred in them.

As we have seen, the resolutions of the last House approving the refusal of the Massachusetts House of Representatives to rescind their circular letter, while passed unanimously by those present, were adopted by a House composed of a bare majority of its members. In passing these resolutions, which may well be termed a Bill of Rights, the present House took care to allow no such possible reflection in this case. They ordered that a list of members of the House be called, which was accordingly done, when it appeared that out of forty-one members who had qualified, thirty-seven were present agreeing to them; that of the remaining four, three had obtained leave of

absence some days before, and the other member was unable to attend from sickness.

On Thursday, the 23d of August, after the Lieutenant Governor had assented to several bills then presented to him, he addressed the Council and House, saying that as they had been sitting many weeks during a very inclement season of warm weather, in which they had perfected such bills as were most immediately necessary for the welfare and service of the province, he did not doubt that a recess to Tuesday, the 7th of November, would be agreeable to them.

Two weeks after, the 5th of September, his Majesty's 21st Regiment, which had caused the controversy about the quartering and supplying of the British troops, were embarked for Florida. So the Assembly had carried that point. On the 14th a mandamus was received, giving a seat in his Majesty's Council to William Wragg.

While the people of South Carolina had generally been content with the repeal of the Stamp act and had not been alarmed at the contemporaneous passage of the Declaratory act, nor much concerned by the new taxes on tea and glass, etc., they had responded at once to the call of Massachusetts and Virginia; and the Assembly had boldly asserted and resolutely maintained the right of the colonies to consult and concert their action and, when dissolved for so insisting upon their right, the people had returned again every one who had so voted. They had refused to quarter and supply his Majesty's troops unless the troops were to be used to garrison and guard their own frontier posts; and they had most solemnly protested against the seizure and trial of persons charged with crimes in any other but their own tribunals. All this they had done, while assuring his Majesty, as was no doubt then at least true, of the loyalty and affection of his subjects in South Carolina to his person and government.

CHAPTER XXXII

1767–70

While these commotions were going on in the low country, the disturbances in the upper continued, and the good people there were becoming more and more urgent that law and order should be secured them; that they should be relieved, on the one hand, from the great inconvenience of having to come all the way to Charlestown to obtain redress for their wrongs and to punish the criminals that were among them; and, on the other, that the Regulators, who were themselves becoming equal violators of the law with those against whom they were originally organized, should be repressed. The case was peculiar. The Scotch-Irish immigration, which had come into the province by way of the foot of the mountains, had disarranged the regular course of the development of the colony from the seacoast. Until their coming, as we have seen, the settlement of the province had been by way of the rivers, and as the population ascended them, townships were first formed, and these were developed into parishes as soon as a sufficient number of families were found. The parish was the civil as well as the ecclesiastical unit of local government, and its officers were in some instances the administrators of municipal law, managers of elections, and so forth. In this way the frontier parishes of St. David's, St. Mark's, and Prince William's were supposed to extend over and include all the province beyond the older settlements. This was the established order of the colony. But this condition did not suit the new-comers. These settlers had not grown up with this order. They

had come in so large a body as to bring with them a social order of their own,— an order to which they were zealously attached,— and this order, it happened, was based upon a religious system different from that which prevailed on the coast, and which was definitely and historically antagonistic to it. The coast was settled to a great degree by churchmen, the upper country by Presbyterians. These Scotch-Irish Presbyterians, too, had brought with them their own well-settled customs and manners. They had not come by way of London or English towns or Bridgetown, Barbadoes, as had the people on the coast, bringing with them the habits of English town life, but from Scotland to Ireland, and from Ireland to Pennsylvania, and thence through Virginia and North Carolina to the Waxhaws in South Carolina. Bringing with them thus in the first instance rural and not city habits, they had been long enough in the remoter settlements of America to develop a distinct form of society of their own — a form of society which, lacking the culture and polish which that on the coast was receiving from its constant close intercourse with London, was nevertheless developing in the strongest form the best elements of republican life. This society was based, too, upon a religious organization of its own. It came with its ministers, who taught as well as preached; so by the side of the rude structure of the meeting-house, there was usually built a still ruder building, which roughly answered for a schoolhouse. How was this society to be incorporated into that on the coast? The problem was sufficiently difficult of itself, but it was still further complicated by the fact that there was another and very different class of men contending with the sturdy and honest back settlers whom we have been describing, who recognized no law or order whatsoever. These were the scum of the population of Europe, which the disbandment

of the armies of France and England upon the Peace of Paris in 1763 had turned loose upon the frontiers of America, and to whom were joined the refugees from justice in the better settled portions of the country — a class always to be found on the frontiers of civilization. These were the men who had given rise to the Regulators.

The Governor, as we have seen, had made a tour through this section, and had come back impressed with the necessity of providing courts for these people; but he had left the government, and the Attorney General, Egerton Leigh, the Clerk of Court, Dougal Campbell, and the Provost Marshal, Richard Cumberland, the last sitting as clerk of the Board of Trade and Plantations in London, were all setting up their vested rights in the patents they held for the emoluments of these offices as good reasons against reform in the administration of justice, which might perchance interfere and lessen their profits and fees. The General Assembly in Charlestown had not been unwilling to correct the evils of which their brethren in the upper country were so justly complaining, and had given the matter all the time they could spare from their controversies with Boone about Gadsden's election and with Lord Charles Montagu about the Massachusetts circular, and the Stamp act, and the quartering of Gage's troops. Indeed, they had really done all they could and truly answered his Excellency that the distress of these people could not be imputed to them, as they had always been ready to hear their complaints and redress their grievances. The difficulty was to obtain the consent of the Board of Trade in London to any act which would in the least interfere with the emoluments of the patentees of the officers of the court, and which would secure the independence of the judges.

On the 6th of November, 1767, Moses Kirkland, who

was to become notorious, first as a Regulator, afterward as a Revolutionist, and then as a deserter to the Royalists, becoming one of the most inveterate enemies of the cause of independence, — a man of bad character, but of considerable influence, — joined with other inhabitants of the back country in a memorial to the General Assembly upon the subject of the condition of the people there. The memorial was objected to on account of improper and unbecoming expressions, which it may well have contained if he had a hand in its composition; for he was a vain, insolent, and illiterate man. Another, however, was presented in its place, disclaiming any intention of using language unbecoming petitioners, and this immediately received the attention of the House, and was referred to a committee, who promptly reported the next day, recommending the establishment of circuit courts with summary jurisdiction in small civil causes, and in all criminal matters not extending to life, and also that companies should be raised to assist the justices of the peace in suppressing disorders and preventing disturbances and bringing offenders to justice.[1] But there were two great difficulties in the way: first, that the Board of Trade required the holders of the patent offices of Provost Marshal, Clerk of the Court, and Attorney General should be secured against loss by reason of any changes in the judicial system; and, second, that they would not allow any change in the tenure of the judges; and this the Commons were resolved to attempt, so as to secure that the justices of the courts should hold during good behavior, and not at the pleasure of the Crown. The first was a matter of expense to which, however unreasonable, the Commons were willing to go. For the other, the independence of the judiciary, they were determined to make a great effort.

[1] *Commons Journal* (MSS.).

The office of Provost Marshal, or High Sheriff, of the province was the most important to the colony, and at the same time the most valuable to the patentee. This office, as we have seen, had been granted to Mr. Thomas Lowndes when the government was finally surrendered by the Proprietors to the Crown in 1729, and he had assigned the patent to George Morley, who had come out from England to Charlestown and assumed the duties, which he performed until 1736, when Robert Hall was appointed to succeed him. Robert Hall held the office until his death in 1740, when he was succeeded by his ward, Rawlins Lowndes, whose father had emigrated to South Carolina from St. Christopher, or St. Kitts, of the Leeward Islands. Rawlins Lowndes, who was now taking so conspicuous a part in the momentous affairs of the province, was a minor at the time of Mr. Hall's death; but the permanent appointment to this important office was reserved for him until he came of age in 1742. He held the office for ten years, when he was succeeded by his brother Charles, who had also been educated under the care of Mr. Hall. Charles Lowndes was succeeded in 1764 by Richard Cumberland, Clerk of Reports at the Board of Trade and Plantations, doubtless as a perquisite to that office. Cumberland, who was of a distinguished family, and a dramatic author of repute, — the "Sir Fretful Plagiary" of Sheridan's *Critic*, — had of course no idea of coming to Carolina. He was content to draw upon his imagination, and the occasional acquaintances he formed at the Board with the colonists who had business there, for his character in *The West Indian* — the young scapegrace fresh from the tropics "with rum and sugar enough belonging to him to make all the water in the Thames into punch" — without crossing the Atlantic to study the manners of the Barbadians, and to receive his fees from his deputy without coming to

Carolina to serve writs, especially if in doing so he would have to encounter such characters as Moses Kirkland, Barnaby Pope, and Thomas Woodward. He preferred to remain in England and enjoy the society of Johnson and Burke and Goldsmith and Reynolds, to whose notice his plays were now introducing him, to any such adventures in the up country of South Carolina. So he appointed Roger Pinckney of Peterborough, England, his deputy, who came out and filled the office until 1769, when Cumberland was bought out by the government, and the office abolished by act of Assembly.

The colonial government had been endeavoring for several years past to obtain control of this office, and had opened a negotiation with Cumberland through Mr. Saxby, the Receiver General of South Carolina, who happened to be in England, in 1764, for the purchase of his patent, whereby they might appoint their own sheriff. The correspondence between Cumberland and his assignee, Pinckney, in relation to this negotiation, has been preserved, and presents a curious subject of study of the times, in which private interests in a public office were allowed for so long a period to interfere with the administration of justice and the settlement of the province. Cumberland writes to Pinckney, the 1st of October, 1764, that Mr. Saxby had persuaded him that the government would give him £5000, nay, perhaps £6000 sterling, and that he made no doubt that he could procure his Majesty's consent to annul the patent and vest the power of appointing their own sheriffs in the government of South Carolina; the reasonableness of the request and the expediency of the measure, so salutary to the province and so economical to the public, would, he dare say, when supported by the influence of his patron (Lord Halifax), carry through the measure. He then proceeds to advise Pinckney how

he should act in the negotiation with the government. He writes: —

"The part, therefore, I now wish you to act is to throw out a hint to some of the leading members of the Assembly that you have no authority from Mr. Cumberland to suppose he would part from his employment to them, but, however, that you do conceive he would listen to advantageous terms; that these terms should be to vest as much money in y^e^ English Funds as shall procure an equivalent to him for his present reservation."

Commencing with this diplomatic caution, the negotiation continued through the next three years off and on, but was interrupted by the commotion over the Stamp act. On the 3d of June, 1767, Cumberland writes to Pinckney that Mr. Garth, the provincial agent, had presented a memorial to Lord Shelburne, Secretary of State, relative to the purchase of his patent; that the result of which was yet in suspense, though he was much inclined to think that the government would accede to their proposal, provided the legislature would be content to pass a bill of the same nature with those which had been passed in the other colonies for establishing sheriffs, and would accompany that bill with a clause suspending the execution until his Majesty's or his patentee's consent was obtained. On the 29th of July he again writes that the Board of Trade had made a report recommending his Majesty to instruct the Governor of South Carolina to give his assent to an act substituting county sheriffs in lieu of a Provost Marshal, provided proper compensation be made to the patentee, but that its execution should be suspended till his Majesty's pleasure should be known; and he informs Pinckney that he had declared to Mr. Garth what his terms definitely were — £5000 sterling was the sum he had demanded. If they would assent to this proposal, he writes, and would empower Mr. Garth to conclude with

him upon these conditions, he would cause instructions to be transmitted agreeable to the order of council: but that if they would not close upon this bargain, it would be of no use to transmit the instructions while their negotiations remained open. Mr. Cumberland could well afford to stand upon his terms, for the King himself interfered in his behalf, and through Earl Shelburne informs Mr. Garth, the agent of the province, that he will graciously allow the office of Provost Marshal to be changed to that of sheriffs for the several counties, provided compensation be made to Mr. Cumberland, and the Earl is assured that this condescension of the King, and fresh proof of his attention to the interest and happiness of the people, will convince them that the province of South Carolina is at present the immediate object of the Royal care, and will call for a manifestation of gratitude and affection on their part. Thus it was that the right of the colonial government and people to provide for the enforcement and execution of the judgments and decrees of their courts, and for the preservation of their law and order, was made the subject of barter by one, — and he an alien, — one who had never been in the colony, who was living in London on the emoluments of this office, and who, sitting at the Board of Trade as one of its clerks, was able through his influence there to have all measures for the establishment of courts in the province rejected by the Crown until his enormous demand of $25,000 should be paid.[1]

On the 13th of November the General Assembly instructed the Committee of Correspondence to acquaint Mr. Garth that the House had agreed to pay the sum of £5000 to Mr. Cumberland, the patentee of the Provost

[1] *Documents connected with So. Ca.* (Weston), 100 *et seq.*; Ramsay's *Hist. of So. Ca.*, vol. II, 126; Mudford's *Life of Cumberland*, vol. II, Appendix; *Commons Journal*, March 29, 1768.

Marshal's office, upon his Majesty's giving his assent to an act appointing county sheriffs in lieu of Provost Marshals, and that the House had ordered a bill brought in for establishing circuit and county courts. But now they had come to a bargain with Mr. Cumberland for one office, two other personages appear claiming that their patents must not be interfered with. Mr. Egerton Leigh, on the 5th of January, presents his memorial, stating that by letter patent he had been appointed Attorney General, to have and hold, exercise and enjoy, the said office, with all and singular the rights, salaries and allowances, fees, profits, privileges, and emoluments thereunto belonging, etc., and that he was apprehensive that from the nature of the jurisdiction to be given to these new courts he would lose the accustomed profits and allowances arising from public prosecutions, which were the principal emoluments of his office, and that by this means his income might be reduced one-half of its present value, and he asks that his interests may be protected. And so does Mr. Dougal Campbell, who comes in by memorial also, and sets up his patent as clerk, and asks that provision may be made for the loss which he must necessarily sustain by reason of providing courts for the people of the back country, by means whereof they will not have to come to that at Charlestown, where he keeps his office and receives his fees.

But the General Assembly having provided for the purchase of Cumberland's patent, who, sitting at the Board of Trade, could countervail their efforts to give courts to the people, were not inclined to do as much for these other impeders of justice. They were willing, however, to make some provision for them also.

On the 4th of March, 1768, the Commons passed a bill for establishing courts, building jails, and appointing

sheriffs and other officers for the more convenient administration of justice in the province. By this bill the province was divided into seven judicial districts or circuits; the places of holding the courts were to be at Charlestown, Orangeburg, Camden, Ninety-six, Cheraw, Georgetown, and Beaufort. The court in each place was to have all the powers of the General Court at Charlestown, in all cases, civil and criminal, as to all suits and prosecutions arising in the respective circuits, and was to be held by the Chief Justice and the four Assistant Judges, or any one of them. The office of Provost Marshal was abolished, and a sheriff for each district or precinct was to be appointed by the Governor from three resident freeholders whom the judges should nominate at their first sitting after his Majesty's allowance of the act, and after the court-house and jail should be built. The judges were authorized to contract for the purchase of land for the purpose and the building of the court-houses and jails.[1] The act was not to go into operation, however, until the Governor by his proclamation had given notice that it had received his Majesty's allowance and approbation, and that the court-houses and prisons were built and completed. In order to secure, if possible, the independence of the judges for their new courts, the General Assembly expressly provided that when it should please his Majesty to appoint the Chief Justice and justices of the province during good behavior, the Chief Justice should receive as a salary £500 and each of the Assistant Justices £300 sterling. The present Attorney General was allowed a salary of £200, and the present clerk of the Common Pleas £300 per annum. Fines, penalties, and forfeitures were to go into the Treasury as a fund, out of which these salaries were to be paid if sufficient; if not, the salaries

[1] *Commons Journal* (MSS.).

were to be paid out of any money lying there. A few days after, *i.e.* the 8th of April, the House appropriated £35,000 currency, and placed that sum in the hands of a committee of Thomas Lynch and others, to pay Cumberland, the patentee, for resigning his office, upon his Majesty's giving his Royal assent to the bill establishing these courts; and on the 12th they instructed Mr. Garth, the agent, to declare to the ministry that in case the fund provided for the payment of the judges, that is, the fines, forfeitures, and penalties, should be deemed insufficient, they would provide some other permanent fund to render the judges entirely independent as soon as his Majesty should authorize the Governor to issue commissions during good behavior. His Excellency assented to the bill in the Council Chamber on the 12th of April; but it had by its terms to receive the Royal assent before it went into operation, and thus a further delay was inevitable. The General Assembly had thus done all they could for the people of the back country. Indeed, they were taxing themselves heavily to provide courts for these people. The court at Charlestown was sufficient for all their purposes, and though the Provost Marshal's office was a sinecure to Mr. Cumberland in London, it was efficient enough, as administered by Mr. Roger Pinckney, for all the low country. Its inefficiency was only in these settlements in the upper country. Yet the cost of this purchase of Cumberland's patent would fall almost entirely upon the people on the coast, and to this they were willing to add a guarantee fund for the payment of the judges under the new system. But they were in earnest that if they paid for these courts, the judges of them should hold by a tenure independent of the pleasure of the Crown. This was surely reasonable. On the other hand, the good people of the upper part of the province were sorely dis-

tressed, and were more anxious to have the courts than particular as to the terms upon which they could be obtained.

Moses Kirkland, as we have seen, had headed a memorial to the Assembly, praying for the establishment of courts in that section. Whether he really desired them there is certainly reason to doubt; but he was determined he would not answer to one in Charlestown. On the 29th of July his Honor the Lieutenant Governor informed the Council that the judges had waited on him that morning with an affidavit upon which they desired him to issue a writ of assistance to the Provost Marshal to enable him to enforce the King's process and to bring daring offenders to justice. This affidavit was by one John Wood, a deputy of Roger Pinckney, who stated that, having several processes returnable to the Court of Common Pleas at Charlestown, among them one against Moses Kirkland, two against Thomas Sumter,[1] and one against William Scott, he had served several of the persons, and particularly had levied the execution against William Scott, and was on his way to town with eight negroes he had taken from him, when on the 27th of June he was overtaken by five armed men, who jerked him from his horse, disarmed him, and tied his hands, then lifted him on his horse and tied his feet under his horse's belly, and so had taken him to the house of one Frazer, beating him all the way as they went; there they had chained him to a post, where they kept him until the 2d of July, when he was removed to the house of one

[1] This is the first mention we have found of one of the heroes of the Revolution in South Carolina. One to whom, more than to any other, is the credit due of having arrested the victorious march of the British troops through the Southern States, after the fall of Charlestown in 1780, and to whose military genius, it will hereafter appear, the redemption of the province was principally owing, and whose name is perpetuated by the fortress in Charleston harbor, the glorious defence of which in the late war between the States so worthily honors it.

Barnaby Pope, and thence to the house of Thomas Woodward; that he was to have been taken again to Pope's house, where he was to have been tried and made to eat the processes he had served, and to have been flogged; but that he had escaped. He stated that Kirkland, Woodward, and Pope were the ringleaders, and swore they would not allow the service of any process of the Provost Marshal in that section.[1] Upon the advice of the Attorney General a writ of assistance was granted; but we have no information as to what became of it.

The inhabitants of the western part of the province had numerous meetings on Friday, the 23d of September, and proposed coming to the respective parish churches in the low country to vote at the election, for which writs had been issued for members of the Assembly, as the boundary lines, they claimed, had been run out by the surveyor engaged to make a general survey of the province so as to include them.[2] This gave rise to great alarm in the several parishes, in which it was believed that the Regulators were coming down upon them. Some of these people did come on the occasion, but they do not seem to have made a point of their right to vote. They behaved everywhere with decency and propriety. They urged upon their neighbors the intolerable grievances they labored under, and seemed, it was said, to have mostly in view a more equal representation in the Assembly; the obtaining an act for better regulating the public officers' fees, especially in law matters, and another act for establishing county courts, if the precinct court bill, lately sent home, should fail to receive the Royal approval.

A memorial was prepared, which was to have been adopted at a general meeting of the inhabitants on the

[1] *Commons Journal* (MSS.).

[2] *So. Ca. and Am. Gen. Gazette*, September 30, 1768.

Congaree and Wateree about this time, setting forth their troubles in the hope of some action for their relief; but as the General Assembly was dissolved by the Governor, as we have seen, before it had touched any of the public business, it was deemed proper to publish the memorial, that the case might be understood. The memorialists urged that it was the want of the due operation of the government that they deplored; that it was the denial of that protection which British subjects and honest men had a right to that with bleeding hearts they regretted; that their dissatisfaction was founded upon the deprivation of their dearest birthrights; that notwithstanding the vast increase of their people and extent of settlement, there was but one court of judicature, and that not in the centre, but at an extreme part of it. That this was replete with innumerable evils. It deprived them even of the most darling right of British subjects, *Trial by Peers.* For they conceived that by the fundamental laws of Great Britain, jurors who sat in the courts of law at Charlestown were, as to them in their present case, to be deemed foreigners; that they were not of their vicinage; they were not in most cases of their counties, large as their counties were; that by this fatal solecism in the administration of justice, their lives, their liberties, and their property were rendered insecure. They dwelt upon the great expense, the exorbitant fees of court and lawyers, and depicted the cruel and wretched state to which their society had been reduced by their efforts to repress violence, protect property, and restore order.[1]

The disturbances in this section continued, and began to cause uneasiness and unnecessary alarms in the parishes. In March, 1769, an express brought to Charlestown an alarming report, upon which several councils were held.

[1] *So. Ca. and Am. Gen. Gazette*, December 5, 1768.

Application was made for assistance to bring to town some of the Regulators, who had been taken up by virtue of warrants from the court in Charlestown, and who, it was supposed, would be rescued; and upon the call of the Governor a considerable number of gentlemen offered themselves as volunteers. Every preparation was made for their setting out on Sunday morning, when a stop was put to the further proceedings by the arrival of the prisoners, who had been conducted about 180 miles, under a guard of only eight men, without meeting the least attempt at rescue.

But there was great trouble, nevertheless, and the up country was on the verge of civil war. Scofield, whom the Governor had commissioned, as we have seen, to put down these disturbances, had acted in the most insolent and outrageous manner. He styled himself "Colonel," and erected something which was intended to be a royal standard, and claimed to have authority superior to all county magistrates and militia officers; engaged volunteers at £20 per month, and a bottle of rum per day; impressed provisions and horses whenever he pleased, leaving whole families destitute of both. He promiscuously seized all that had been styled Regulators, though not mentioned in any warrants, and confined them in cellars and dungeons. He had many returned horse thieves and banditti in his retinue, and extorted an oath from those engaged in his service.

The people among whom this man was thus conducting himself under the pretence of authority became exasperated, and assembled in a large body toward the close of March in order to compel him to show with what power he was invested, and determined that if they found that he had not the authority he claimed, to bring him to justice at all events. The parties were gathered and encamped

within musket shot of each other on the Saluda River, when an order arrived from the Governor dismissing Scofield, and much bloodshed was thus prevented. Colonels Richard Richardson, William Thompson, and Daniel McGirt, gentlemen of great reputation and highly esteemed by the whole body of back settlers, exerted themselves on this occasion with great spirit, discretion, and success.[1] The two first were to espouse the cause of the colonies, and, remaining faithful thereto, were to become distinguished leaders in the Revolution which followed. The latter also at first acted with his friends and relatives on that side, but under great provocation abandoned it, denouncing vengeance against all the Americans for his ill treatment, and executed his threats most fearfully and most vindictively.[2]

These alarms on the coast, however, induced the Governor to make the tour of the province to which we have alluded, and upon which he set out in May; and, as we have seen, upon the meeting of the Assembly in June, he called their attention to the grievances which the people of the interior suffered from the want of justice, of which he had himself been an eye-witness, and at the same time laid before them the objections of the Lords Commissioners of Trade to the act establishing circuit courts.

This unfortunate act, on its arrival in England, encountered fresh obstacles to its allowance. On the 15th of August, 1768, Cumberland writes to Pinckney that on account of its importance, and in delicacy to his interests, it had been for some time under examination by the Lords of Trade. Sir Matthew Lamb, one of his Majesty's Council, to whom, he says, the Board refers all Plantation acts, had objected to some clauses in the bill, particularly to

[1] *So. Ca. Gazette*, March 23 to April 26, 1769.

[2] Johnson's *Traditions*, 44, 172.

the summary jurisdiction of the judges in their circuit courts, and because the salaries of the Attorney General and the Clerk of the Pleas were granted to them personally while in office and not annexed to their offices. But the main objection, he writes, was to the clause for granting salaries to the judges whenever his Majesty should change the present form of their commissions and establish them during good behavior; against this clause the chief force of his objection was directed — it would be derogatory to the King's dignity to pass an act with such a clause in it. Mr. Garth had been allowed a solemn hearing by the Board on a day singly set apart for this business, and he had spoken for two hours on the question with great ability and spirit. The Lords of Trade got over the objection of Mr. Lamb to the summary jurisdiction clause as a law of the same sort obtained in Ireland; and the Attorney General's clause, though exceptionable, was not regarded as fatal against a bill productive of such general benefit; but as to the clause for altering the judge's commissions so as to continue during good behavior, that was not so easily acquiesced in. A particular instruction in the year 1760 had been circulated to all the Continental Governors forbidding them to give their assent to any act of Assembly for making alteration in the commission of the judges, because of some steps of that nature taken in New York, and a similar clause was incorporated in Lord Charles Montagu's instructions. In the face of such an article, it was Mr. Cumberland's opinion that it was not possible for the government to approve the act. And so by his next letter of October 12, he informs Pinckney the Board had so decided.[1]

In the meanwhile the inhabitants of the up country became more and more impatient of delay and clamorous

[1] *Documents connected with So. Ca.* (Weston), 141.

for courts upon any terms. On the 4th of July, 1768, Thomas Bell, William Calhoun, Andrew Williamson, and Patrick Calhoun, in behalf of themselves and others, presented a memorial to the General Assembly, setting out that they were entitled to the liberties of British subjects, among which were a right to have courts established among them, that they might not be obliged to travel almost two hundred miles to Charlestown for justice, and protested against the General Assembly insisting upon the clause about the tenure of the judges, which would forever prevent his Majesty from assenting to it. They asked, too, to have the parishes properly divided, as they were now two hundred miles long, the lines having been run up to the Cherokee border, and stated that they had been refused votes after travelling so far, except in Prince William's Parish. Ministers of the gospel and schoolmasters were also much wanted, as many people had never seen a church or heard a sermon. The want of a vagrant act had been in a great measure the occasion of the Regulators laying themselves open to the law and to a set of people called Moderators, who behaved themselves worse than the Regulators. They wanted public roads, and commissioners to see that they were properly laid out and cleared; and as the bounty on hemp and flax had expired, they thought one on flour would be of service to that part of the country; and, lastly, they represented that the lands on the frontier ought not to be taxed as lands of great value near the markets.

The next day another memorial from other inhabitants of the frontier and interior parts of the province was presented, representing that since the Cherokee war the back settlements had been in a state of anarchy, disorder, and confusion from causes too bitter to be remembered, which unless speedily remedied would occasion new scenes of

distress, be destructive to trade and commerce, and entail on them and their posterity a train of calamities perhaps impossible to be redressed, and praying for courts such as had been provided in the act which had just been disallowed by the home government; praying that the parish of St. Mark's, which contained an extent of country and number of white inhabitants at least equal to one-third of the province, be divided into three or more parishes, and that churches and chapels should be built for the inhabitants, and public schools be established for their children.

These memorials were referred to a committee, of which Joseph Kershaw of St. Mark's Parish was chairman, who on the 20th reported that the parishes of St. David's, St. Mark's, and others on the frontier, being a large extent of country containing from the best information the committee had been able to obtain at least three-fourths of the white inhabitants of the province, be divided and laid out into several parishes, and that convenient churches and chapels should be built, and that when the parishes should be so laid out, they should have members to represent them in the Commons. They recommended an additional bounty on hemp, and that inspectors of tobacco and flour should be appointed for the encouragement of raising these articles. They recommended that public schools be erected in different parts of the province, and a sum of money be granted annually to a schoolmaster for each, for which they should educate respectively a certain number of poor children. Some months after — 16th of April, 1770 — Mr. Kershaw again reports a plan for dividing the new parts of the province into additional parishes, but in the turmoil of the Revolution, which was now fast approaching, these wise and necessary measures were neglected on the few occasions upon which the General Assembly was permitted to do business; and thus

the assimilation of the whole province to the one system which prevailed in the low country was not effected, and the Revolution coming on found the province in an inchoate state — a condition in which it was to remain until 1790, when a new constitution was to be formed. Unfortunately, even by this constitution, the difference in the organization of the two sections was maintained, the low country retaining the parish system and the up country adopting the judicial district as the basis of representation — a difference which was to remain in the organic law of the State until it was reconstructed after the great war between the States.

The act of 1768 establishing the circuit courts had been returned with the Royal disapproval, and in July, 1769, the Assembly made another effort to secure the independence of the judiciary, while providing courts for the province; but the Governor refused his assent to the bill, and yielding then to the urgent appeals of the people of the up country, the Assembly, on the 29th of July, 1769, passed a third act without the provision in regard to the tenure of the judges. The representatives of the low country in the Assembly forbore the struggle for the independence of their judiciary in order to afford immediate relief to the upper. The act was ratified by the Board in England on the 25th of November, 1769; but by its terms it was not to go into effect until the court-houses and jails were all built. Another difficulty ensued, regarding the means of building the court-houses; but at length, on the 14th of May, 1772, the *Gazette* announces that all the court-houses are built except that at Georgetown, which was in a state of great forwardness, and expressed the hope that the courts would soon be opened. His Excellency, in a proclamation of the 19th of May, fulfilled the hope, and announced that the Provost Marshal's

office was abolished, and that at the next meeting of the court sheriffs would be appointed for the several precincts of Charlestown, Beaufort, Orangeburg, Georgetown, Camden, Cheraws, and Ninety-six. These sheriffs were appointed on the 4th of June, 1772; but it was not until the 5th of November, 1773, that the Chief Justice and Assistant Justices set out to open the courts in the precincts to which they had respectively been assigned. As it happened, these courts were opened just in time to afford the opportunity of William Henry Drayton's famous charges to the grand juries, he having volunteered to serve in the absence of one of the judges; and of the presentments of the grand juries themselves, which so aroused the spirit of resistance to the Royal government, and enlisted so many of the inhabitants of the interior in the cause of liberty.

CHAPTER XXXIII

1769–70

While the legislature had been thus engaged and the Commons' House had been so stoutly asserting its rights in the matters of the Massachusetts and Virginia circulars and the quartering of troops, and endeavoring on the one hand to provide for courts for the upper part of the province, while on the other it secured the independence of the judiciary, there had been much excitement and commotion among the people in Charlestown and its vicinity. Early in the winter of 1769 the subject of non-importation, as had been resolved upon in New York, had been discussed, and schemes of economy, of industry, and for the encouragement of home manufactures had been proposed and to some extent resolved upon; but no very definite or decided action had been taken, as conservative men still hoped for the repeal of the Revenue acts, which they were led to believe might be made by Parliament. In May the accounts from London dissipated all such hopes. The agents of the colonies thought it necessary to defer presenting petitions upon the subject. All accounts agreed that there would be no repeal of the Revenue acts at that session of Parliament; some, however, hoped there might be the next winter, provided the people in America would keep quiet until then. But those on the other side of the Atlantic who held these views were mistaken; and on this side many had been aroused, and were impatient of the longer continuance of the acts. Besides, it was urged, Massa-

chusetts and New York had adopted non-importation resolutions, and was South Carolina to desert them? Whether the people generally were ready to adopt the plan of non-importation in order to force Parliament to repeal the Revenue acts may well be doubted, as the measures taken by the party for action were so calculated to intimidate all opposition as to leave little freedom of action or even of expression of difference. There were, however, some of the best and truest of the people who would not submit in silence to what they regarded the tyrannical action of an irresponsible combination.

It was the mechanics again who were the first to move.[1] On June the 29th it was announced by advertisement in the *Gazette* that the mechanics of Charlestown, who had their own and posterity's interest at heart, were desired to meet under the Liberty Tree on Monday next at four o'clock. By another announcement in that paper it was stated that a meeting of the merchants would be held at Mr. Dillon's tavern at the same hour. The result of these meetings was the publication of a proposed form of agreement, which every one was called upon to subscribe under the penalty of ostracism. The agreement recited that the subscribers, his Majesty's dutiful and loving subjects, the inhabitants of South Carolina, sensibly affected by the great prejudice done to Great Britain, and the abject and wretched condition to which the British colonies were reduced by the several acts lately passed, by some of which moneys were wrung from them without their consent, or even being represented, and applied by the ministry without regard to the real interest of Great Britain, and almost totally to the support of new created commissioners of customs, place men, parasitical and novel ministerial officers; and by others of which acts the

[1] *So. Ca. Gazette*, June 8, 1769.

colonists were not only deprived of those invaluable rights, trial by their peers and the common law, but also made subject to the arbitrary and oppressive proceedings of the civil law; and finding that the most dutiful and loyal petitions from the colonies had been rejected with contempt, so that no relief could be expected from that method of proceeding, and fully convinced of the necessity of stimulating their fellow-citizens in Great Britain to aid them in their distress, and of their joining with the rest of the colonies in some other legal and vigorous methods that might procure such relief, which they believed might be more effectually promoted by strict economy and by encouraging the manufactures of America in general, and of the province in particular, they whose names were there underwritten did therefore solemnly promise and agree that until the colonies should be restored to their former freedom by the repeal of the objectionable acts, they would strictly abide by the following resolutions: —

I. They would encourage and promote to the utmost of their power the use of North American manufactures in general and those of this province in particular.

II. That they would under no pretence whatsoever import into the province any of the manufactures of Great Britain or other goods and wares usually received from thence other than such as had been shipped in consequence of former orders to their correspondents in Great Britain, excepting only negro cloths, Duffie blankets, osnaburgs, plantation and workmen's tools, powder, lead, shot, wool cards, card ware, printed books, and pamphlets.

III. That they would use the utmost economy in their persons, families, houses, and furniture; particularly that they would use no mourning nor give gloves and scarfs at funerals.

Lastly, they would look on every inhabitant of the

colony who refused or neglected to sign the agreement within one month from its date as no friend to the interest of the colony; and they would upon no account at any time purchase from or sell to such person any goods or merchandise whatsoever.

The *Gazette* published this form of agreement at its head in large and conspicuous type, and kept it there for many issues. It announced that so thoroughly was the body of the inhabitants convinced of the necessity of entering into an agreement, that there were no less than twenty-five representatives in their private capacity amongst the first signers, so that to them might be ascribed the honor of taking the lead in this most momentous affair. And although, continues that journal, this colony might be last to come into a measure of the sort, yet we are convinced that, notwithstanding the invidious artifices of a few, the subscription to the agreement will make as respectable an appearance as any in America. Had that journal been gifted with a prophetic spirit, it might have foretold that South Carolina, the last to come into so impracticable a scheme, would be the last to persist in its enforcement.

But whether wise or unwise, the measure was not allowed to go without earnest opposition — an opposition which led to a heated and unbecoming controversy in the papers of the day. On the 22d of June, a week before the meeting under the Liberty Tree, there appeared in the *Gazette* a communication over the signature of "*Pro Grege et Rege*," urging the adoption of non-importation and proposing a form similar to that adopted, in which the writer, while addressing all other classes of citizens, had spoken very disrespectfully of the importers, saying that many of them were but strangers of a few years' standing in the province, and asking, had they shown or attempted to show anything but an altogether confined regard to them-

selves and their own private interest?[1] To this, one writing as "*The Merchants of Charlestown*" replied on the 13th of July, resenting the imputations, and reminding "*Pro Grege et Rege*" that to the merchants alone was owing the export of so great a part of the rice, by which means the price had been supported, to the great emolument of the landowners. "The being taxed or having duties imposed on us by a body in which we are not represented," said "*The Merchants of Charlestown*," "is the foundation of the dispute between Great Britain and America. We allow the latter to have just cause of complaint; have not the body of merchants equal reason to complain when an attempt is made that strikes at the welfare of each individual? *Sign or die*[2] was the motto on a late extraordinary occasion! *Sign or be ruined* is the motto now! It is an unjust attempt of one part of the community, whose particular wants are already supplied, to throw a burden on the rest more grievous than ever was conceived by the most arbitrary minister of the most despotic King." "If," continued the writer, "hardships must be borne for the general good, each individual should be consulted, and such a plan adopted as would make the burthen equal. By the engagement lately entered into, a plan of economy is provided that must necessarily increase the landholder's estates. Such articles as they and the

[1] *So. Ca. Gazette*, June 22, 1769.

[2] This allusion is to the motto "*Join or Die*," common in the northern colonies during the agitation against the Stamp act in 1765. Bancroft, vol. V (ed. 1857), 360. A frontispiece to *The Constitutional Courant* represented a snake cut in pieces, with the initial letters of the several colonies, from New England to South Carolina, affixed to each piece. Such an emblem might not have been deemed in all points complimentary, but amends were made by the motto; it stood thus, JOIN OR DIE! *Annual Register*, 1765, part I. p. 50; Dr. Gordon's *Hist. of the Am. Revolution*, vol. I, 189; Mahon's *Hist. of England*, vol. V, 133, 134.

mechanics indispensably want are allowed to be imported. These two parts of the community are provided for, while the third is subjected to infinite hardships and distress."

This writer had certainly discussed the matter with good temper, sound logic, and great force. Another, "*Pro Libertate et Lege*," came forward on the 13th, and with less good taste, but certainly not without provocation, assailed "*Pro Grege et Rege*" personally. If he was not mistaken, "*Pro Grege et Rege*" had been himself an importer of European goods; many other gentlemen of the first consequence and character in the province began to make their estates in a mercantile way and by degrees came to be great planters; but unfortunately in this "*Pro Grege et Rege*" had failed, for he neither made a great and rich merchant nor was possessed of large plantations. He calls the importers new-comers and strangers, and yet many of them were nearly connected with the learned writer himself; and some of the sons of those who began in a mercantile way are now possessed of large plantations. This writer concluded by urging his countrymen not to enter upon any schemes or resolutions before they had deliberately considered what might be the consequences of their proceedings, nor to suffer themselves to be deceived by false appearances or led away by notions of men consulting their own interests, while endeavoring to make the whole world think they would be martyrs for the wrong done to and the violated rights and privileges of the country. The allusion in this letter points to Christopher Gadsden as the author of the communication signed "*Pro Grege et Rege.*" On the 20th "*Philanthropos*" enters the controversy with an attack upon "*Pro Libertate et Lege*" still more personal than that upon "*Pro Grege et Rege*," and asks "For God's sake what kind of liberty can any imagine this gentleman means but the liberty of

saying with impunity disagreeable things?" To this the assailed "*Pro Libertate*," etc., replies in a paper which Mr. Timothy, the publisher of the *Gazette*, very properly required to be put in as an advertisement, and in which a reward of 20*s.* was offered to any person who would take "*Philanthropos*" to the warden of the workhouse to receive the punishment allotted to misbehaving slaves. We turn from the perusal of this early political controversy in the newspapers of South Carolina with no pride or satisfaction in the tastes and courtesy of our forefathers in public discussion. We read of no duel or street fight growing out of these amenities.

A general meeting of the inhabitants of Charlestown was held on the 22d of July, when the form of the agreement was enlarged so as to extend the prohibition of forbidden articles, not only from Great Britain, but also from Holland or any other place, and also to extend it to prohibit the importation of negroes. This last extension of the agreement seems to have had other and stronger grounds for its adoption than those urged against the revenue laws generally.[1]

At this meeting of the 22d of July, Mr. Gadsden read the new form of agreement which was proposed by a committee of the merchants, once for the information of the numerous body assembled, and then read them a second time, paragraph by paragraph, so, it was said, to allow objection, if any there were, to be offered; but the whole, the *Gazette* gravely tells, was immediately approved with an unanimity scarce to be paralleled. The merchants having at their previous meeting appointed a committee of thirteen gentlemen for the purpose of doing whatever might be further necessary to give form to the association, a similar committee of the mechanics, and another of

[1] See *ante*, chapter XVII.

planters, were nominated, and a general committee of thirty-nine was thus established,[1] with Mr. John Neufville as chairman.

This measure, whether or not really supported by the unbiassed judgment and wishes of the people generally, as claimed by the *Gazette*, was not allowed to pass without strong and vehement protest. Mr. William Henry Drayton and Mr. William Wragg were not to be silenced by the apparent unanimity of public opinion, or by the threat of contempt with which the resolutions declared that those who would not submit should be treated. Mr. Wragg, as we have already seen, had at least the courage of his opinions, and for them was to suffer exile and to perish at sea. Mr. Drayton was a much younger man; at this time he was twenty-seven years of age. Born at Drayton Hall on the Ashley, within a few miles of Charlestown, he had been sent, as many of the youths of the colony were at the time, to England for his education. He had gone under the care of Chief Justice Pinckney, in company with his sons, Charles Cotesworth and Thomas Pinckney. He had pursued his education at Westminster

[1] The members of these committees were as follows: —

Planters	*Merchants*	*Mechanics*
Thomas Lynch	John Neufville	Daniel Cannon
William Williamson	J. Edwards	John Price
Thomas Ferguson	Jo. Laurens	Cato Ashe
Benjamin Elliot	Daniel D'Oyley	John Fullerton
John McKenzie	Thomas Sherley	Joseph Veree
Peter Porcher	Peter Bacot	Barn. Buckman
Barnard Elliot	John Ward	Joseph Dill
Benjamin Huger	J. Ab. Hall	Simon Berwick
William Moultrie	John Coram	John Mathews
John Parker	Andrew Lord	Theo. Treyvant
Charles Elliot	Aaron Locock	Thomas Young
Daniel Legare	Roger Smith	Tunis Teburt
Isaac Lesesne	Wm. Price	William Trusler

school until the fall of 1761, when he was removed to the University of Oxford, where he remained for nearly three years, when recalled by his father. In 1764 he married Miss Golightly, a lady of fortune — a fact which was to be thrown up to him in the bitter controversy in which he was about to engage.[1] He was ultimately to espouse the cause of the colonies, and to become one of the leaders in the Revolution, and Chief Justice under the new government; but at this time he was an ardent supporter of the Royal government, and against this movement, which he regarded as a conspiracy in law, unwise, unjust, and tyrannical, he was opposed with his whole soul; but, it is to be added, with more zeal than discretion.

On July the 28th, over the signature of "*Freeman*" in an article in the *Gazette*, he violently assailed the resolutions of the 22d of July. "As a tree is known by its fruit," he wrote, "so the author flatters himself that this production amounts to a sufficient evidence that he is as *true a friend of the constitution of his country* as any of those gentlemen who assembled under the Liberty Tree. Determined to possess his own sentiments and to subject them to no *vain demagogue*, he will make use of that freedom which is the characteristic of the British subject, etc." This allusion was to Christopher Gadsden. Regardless, he wrote, of whom his paper might affect, he took the liberty thus to expose a patriot to public view and show either the wickedness of his heart or the weakness of his head. He implied that the zeal of this patriot was only to acquire some lucrative post. "To stigmatize a man," he said, "even the meanest in a community, and brand him

[1] *So. Ca. Gazette*, March 31, 1764. "On Thursday last William Henry Drayton, Esq., son of John Drayton, Esq., was married to Miss Dorothy Golightly, a very amiable young lady and an heiress of great fortune and merit."

with the infamous name of *an enemy of his country*," as the resolutions undertook to do, "can be *legally* done by no *authority*, but by *that* of the *voice* of the *legislature*, and no person but a *traitor or a madman* would think of any other." In the same strain he continued, advising that the person to whom he alluded, who was understood to be Christopher Gadsden, should be lodged in the madhouse, and maintained there at least during the ensuing change and full of the moon, at the public expense. This was surely belittling a great occasion, and giving no promise of the great ability or style of his famous charges to the grand juries and letter to the Congress by which he was afterward to contribute so much to rouse and assure the people in behalf of liberty. It was indeed a grave and serious question whether the colony of South Carolina had as yet received any such wrong at the hands of the mother country as warranted this measure of non-importation. Granting the occasion for it, it was an equally grave and serious question whether such a voluntary agreement could possibly be enforced? Whether it would not cause falsehood and evasion on the one hand, and inevitable suspicion of evasion on the other; whether it was possible to enforce by mere promises, though given upon honor, what the most stringent penal revenue laws could not effect? But it was a far graver and more serious question whether the attempt thus to crush out private opinion and to intimidate any who might conscientiously differ was not inflicting a far greater wrong upon the people than Parliament could do by taxing them even without representation. Whether in denying the right of individual conscience and judgment and freedom of action they were not themselves violating the dearest constitutional rights of British freemen in a far greater degree than the ministry could possibly do by enforcing the

obnoxious Revenue laws? Whether it was worse to be carried to England for trial than to be condemned under the Liberty Tree at home without? Mr. Drayton failed even to suggest any such consideration, but indulged himself in a personal attack upon Mr. Gadsden; and Mr. Gadsden followed in the same vein. In a long and sneering communication in the *Gazette*, Mr. Gadsden answers Mr. Drayton. He treats him as a child, with contempt; charges him with falsehood, declaring that he is not to be believed even when he accidentally speaks the truth. We read this letter with great disappointment. Hoping to find from the recognized leader of so important and serious a movement explanation and justification of the measure, we find nothing but personal controversy; and Mr. Drayton replies in the same spirit and the same tone. At this point Mr. John McKenzie enters the contest under the signature of "*Libertas et Natale Solum.*" His style is scarcely an improvement upon that either of Mr. Drayton or of Mr. Gadsden, and he adds little to the argument.

Another meeting was held on the 4th of September under the Liberty Tree, when it was determined that the resolutions should be strictly adhered to, and the general committee should be instructed to take every necessary and justifiable step for preventing the least deviation therefrom. A list was made at the same time of the town's inhabitants that had subscribed to the resolutions, and it was claimed that but few names were wanting. The subscription, it was determined, should continue open until the 7th, and then, if there should remain any non-subscribers, their names should be made publicly known. On the 14th the *Gazette* announces that in the whole town there were but twenty-one non-subscribers, exclusive of Crown officers, and that the names of these had been made public in handbills, agreeable to the resolution of the 4th.

The lists of non-subscribers published in the handbills included the names of Mr. Wragg and Mr. Drayton. On the 4th Mr. Wragg, in a paper remarkable for the times for the calmness and temperateness of its tone, protested against this action. Addressing Mr. Timothy, the editor of the *Gazette*, he wrote: "As I conceive your paper to have at least as extensive a circulation as the handbills that have lately been distributed about, I take the liberty through your means of appearing before the public as one called upon to speak a word in vindication of myself. My name I am told is inserted in the list of non-subscribers to the self-denying ordinance or resolutions; with what view or intention, I neither care nor inquire after. The authors will pardon my vanity in considering it, perhaps contrary to their design, as an honorable certificate of me; by representing me as one upon whom neither fear, interest, or the prevailing desire and seeming security of swimming with the stream could operate to do violence to his judgment. The freedom of the constitution and genuine undepraved text of the law will support my claim to an indisputable right of withholding my assent to propositions I disapprove of, and which are in their nature altogether discretionary." . . . "Where," he asked, "is the reason, the justice, the charity, in locking up my property with endeavors to force a compliance or starve me? Had I no other resources than what a plantation affords, I would endure everything rather than have the freedom of my will or understanding limited or directed by the humors or capricious proscriptions of men not having authority." . . . "Let me add," he wrote, "that I have not forgotten, and therefore am not ashamed of acknowledging, that I dare not oppose acts of Parliament made not for the purpose of raising a revenue, but to regulate the commerce of *Great Britain* and her dominions, and falling neither within

the rules laid down by Lord Chatham and others, who allow only the partial supremacy of Parliament over the colonies." These measures, the resolutions as to non-importation, he thought injudicious, "because they furnished the ministry with an opportunity, were they of the disposition imputed to them, of making the very articles comprehended in the exceptions, admitted to be such as we cannot do without, come to us upon much worse terms than we now have them." Mr. Wragg added, under his signature, a note courteously expressing his disbelief that the names in the list published were the only residents in Charlestown who had not signed the resolutions.

Mr. Drayton declared that instead of having been mortified by having seen his name on the handbills, he confessed that he was pleased with the circumstance and considered it as public testimony of his resolution and integrity. Then throwing away his scabbard he proceeds to the attack: "And having now withstood the brunt of the committee's fury, I think 'tis my turn to advance and charge. *ASPICE NUM MAGE SIT NOSTRUM PENETRABILE TELUM.*[1] The *profanum vulgus* is a species of mankind which I respect as I ought. But I see no reason why I should allow my opinion to be controlled by theirs." He was, he said, as capable of judging for himself as those gentry were for themselves, and he would allow of no encroachment upon his rights. A man who could "boast of having received a liberal education," and men who had read a little, it mattered not how they had acquired their knowledge, should have made "a proper use of their advantages and not have consulted *de arduis reipublicæ* with men who never were in any way to study, or to advise upon any points, but rules how to cut up a beast in the market to the best advantage, saddle an ill shoe in the neatest manner,

[1] Virgil, *Æneid*, x. 481. "See whether ours be (not) the keener dart."

or to build a necessary house. Nature never intended such men should be profound politicians or able statesmen, and unless a man makes a proper use of his reading, he is but upon a level with those who never did read. From which reasoning I conclude that in point of knowledge all the members of the committee are upon a level with each other. A learned body of statesmen truly!"

After much more in the same style, Mr. Drayton in the conclusion of his paper rises somewhat to the dignity of the occasion, declaring that he should act to the best of his abilities and judgment in support of the constitution in the state in which it had been handed down to him from his progenitors; and hoped that in every circumstance of life he should act with consistency, with loyalty to his King, reverence to his native country, and with charity to all men. The time was soon to come when one of these sentiments, at least, he was to repudiate — that of loyalty to his King.

As was to have been expected, this intemperate and insolent attack upon the composition of the general committee, as they styled themselves, brought out an answer from the mechanics in that body. They replied in the *Gazette* of the 5th of October, ridiculing Mr. Drayton's pretensions and classical quotations. They asked him whether he really claimed any merit for possessing an estate not obtained by his industry, and recommending him to the same asylum to which he had suggested that Mr. Gadsden should be sent, in which, they added, he might be allowed to amuse himself with making and wearing civet crowns of straw for having saved his fellow-subjects from destruction. Then followed long and tiresome disquisitions by Mr. Gadsden and Mr. McKenzie on the one side, and Mr. Drayton on the other. These papers do not afford pleasant reading. What little of argument

there is in them is overladen with classical quotations, confused by personal allusions spun out in copious language, and on the part of one writer in not always good English. They fail utterly to rise to the height of the argument the occasion demanded.

In the meanwhile the committee pursued their inquisitional business. They advertised one McDonnell, who kept a store in Elliot Street, for offering for sale a parcel of goods which he asserted he had laid in the May before, and which were therefore admitted to sale by the terms of the resolutions; but the general committee inform the public that McDonnell is a transient person, and that therefore no subscriber could by the terms of the resolutions purchase any goods from him except coals and salt. McDonnell replied that he was not a transient person, that he had lived thirteen months in Carolina, had come with a design to settle in Charlestown, and had only gone home for his health, and begged that this might be taken into consideration. He said that he had offered to sign the resolutions, but that the committee would not allow him to do so, although two-thirds of them were of opinion that his case was clear. He very naturally thought himself injured, and that the committee's purpose had been to hurt him in his trade. The committee were relentless. There was no withdrawal of the boycott in his case.

CHAPTER XXXIV

1769–70

The General Assembly met on the 23d of November, 1769, the day to which it had been prorogued by the Lieutenant Governor. On the 30th Patrick Calhoun and Charles Cotesworth Pinckney took their seats. Mr. Calhoun — the father of Carolina's great statesman — was the first of the Scotch-Irish settlers of the upper part of the State to enter its legislature. He was returned as a member of Prince William's Parish, which, bounding on the southwest on the Savannah, ran indefinitely up that river, and thus included the Scotch-Irish and Huguenots who had settled at Long Canes, in what is now Abbeville County. As we have seen, it was only in this parish that the back settlers had been allowed to vote; but in this parish they were not only allowed to take part in the election, but to send one of themselves as a member of the Assembly, and in him to establish a name which has become indissolubly associated with that of Carolina. Charles Cotesworth Pinckney, whose epitaph was to be written "One of the Founders of the American Republic," appeared as a representative from St. John's, Colleton, the parish which had returned William Wragg but the year before, though he had moved to substitute the name of his Majesty George III in the resolution for the erection of a monument to Chatham. Mr. Pinckney was at this time but twenty-three years of age. He had just returned home from England, where, as we have seen, he had been carried by his father, the late Chief Justice, together with his

brother Thomas and William Henry Drayton, for their education. He had studied in the Temple, and had been admitted to the bar there in 1764.

On the 5th of December Mr. Drayton presented a petition to the House, in which he set forth that he was a freeholder in divers parts of the province, and by birth a freeman under the British government. In these characters he claimed an inherent right to lay before the House, who were the representatives of the freeholders and freemen in the province, a representation of such injuries to and violation of constitutional rights and privileges as the spirit of the law was at that juncture too feeble and weak to redress. That a majority of the judges,— that is, the assistant judges, natives of the colony, appointed by the Governor,— by signing and acceding to certain resolutions and solemn engagements of the 22d of July last, had thereby disqualified themselves from sitting as judges on any action which might be brought by reason of those resolutions, and so general had been the subscription to those resolutions that any jury which might be drawn to try such a suit must in all probability consist entirely of men of the same disqualification. That having no other means of procuring protection, he petitioned that the Commons would vouchsafe to protect him in the enjoyment of those rights to which he had a claim by his birth, and which he merited by his due submission to the laws.

He set forth that by the last of the resolutions the subscribers illegally confederated and conspired to distress such as should not accede to them within one month by not purchasing such commodities as they might have for sale. That this measure had compelled great numbers to sign the resolutions rather than by refusing to expose themselves to ruin. But that he with many others had

determined, from principles of loyalty to their King, and respect to the laws of the land, to expose themselves to every difficulty which might befall them in consequence of the operation of those resolutions rather than by acceding to them to make themselves instrumental in violating the civil liberties of freemen. The memorial went on to argue that to be debarred by any other authority than that of the constitutional law of the land from selling any part of a man's property was a flagrant violation of the civil liberties of a freeman and subversive of one of the great advantages of living in society as a good citizen. That in consequence of the resolutions and publication of his name, his commodities, which were ready for sale, remained upon his hands at great risk and heavy expense; and merchants who had approved of the quality of his effects and treated for a quantity and price, as soon as they learned whose property they were, declined any further bargain for the purchase of them because of the resolutions. He submitted his case to the House for such redress as to their wisdom might seem proper; but he did not indicate what measures the House could adopt for his relief.

The petition was presented to the Clerk, to be by him presented to the Speaker. It met the fate which no doubt Mr. Drayton anticipated. The Speaker was asked as to the contents before it was read, and replied that it contained a representation of injuries received in consequence of certain resolutions, and a prayer for redress. Upon this the question was put whether the petition should be received, and it was refused. Mr. Drayton was obliged to content himself with the publication of his petition in the *Gazette*, which Mr. Timothy, the publisher, kindly allowed, together with a protest by him that the right to petition implied a right to be heard; and that without this

right to be heard, it was in vain that the subject should petition for a redress of grievances.

On the 8th of December the House passed an order on Jacob Motte, the public Treasurer, for the sum of £10,500 provincial currency, equal to £1500 sterling, to be remitted to Great Britain "for assisting in the support of the just and constitutional rights of America." Upon this Mr. Drayton, in a last paper in this controversy, over the signature of "*Freeman*," wrote in the *Gazette*,[1] that as it always gave him pleasure to congratulate his friends upon the prosperous situation of their affairs, he could not omit this fair opportunity to felicitate his fellow-citizens upon the sudden increase of wealth of this province. For certainly, he said, the public finances must be in a flourishing condition, or their economic purse keepers and representatives would not in a manner almost without hesitation have bestowed the sum of £1500 sterling on charity upon the application of a private gentleman in London, which charitable supply was remitted to defray the bills of a certain club of Patriots at the London Tavern, among whom he had heard that the celebrated Samuel Vaughan was a member of no little consequence. Mr. Timothy was very indignant at this letter, as calling in question the truth of the statement of the *Gazette* on the 9th, that a resolution had been entered in the House that the public Treasurer advance the sum of £1500 sterling to be immediately remitted to Great Britain for the support of the just and constitutional rights of the people of that Kingdom and America. The Journal of the House undoubtedly sustained Mr. Timothy to the letter of his statement; but, as Mr. Timothy must have very well known, Mr. Drayton in his statement had also fully adhered to the truth — a truth which was commonly known. The House

[1] *So. Ca. Gazette*, December 28, 1769.

had directed the public Treasurer to pay this £1500 into the hands of a committee consisting of the Speaker, Peter Manigault, Christopher Gadsden, John Rutledge, James Parsons, Thomas Ferguson, Benjamin Dart, and Thomas Lynch. These gentlemen the next day, the 9th of December, 1769, addressed a letter to Messrs. Hanckney & Partners, French Street, London, saying that the Assembly, having yesterday in a full house voted £10,500 of their currency to be remitted to Great Britain for the support of the constitutional rights and liberties of the people of Great Britain and America, and referred it to them to carry this resolution into execution; and, they continue, "we being very certain that it is the intention to present this sum to the "supporters of the Bill of Rights" to assist them in carrying on their great and good intentions do enclose you the following bills of exchange for £1500 sterling.[1] The "Society of Supporters of the Bill of Rights" was nothing more than an association to raise means to pay the debts of John Wilkes and to provide for his support and his expenses while imprisoned. It was formed of a number of members of Parliament, merchants, tradesmen, and others with the professed view of supporting Mr. Wilkes. They assumed the name of "Supporters of the Bill of Rights," and sent out circulars appealing to the people to raise an effectual barrier against oppression, and to rescue Mr. Wilkes from his present incumbrances and to render him easy and independent.

The Lieutenant Governor immediately reported the action of the House to Lord Hillsborough, sending him a copy of the order, and saying that as no particular use or agent is mentioned in the journals, it was probable that it was intended for the purposes of the supporters of the Bill of Rights in London, from whose committee a solicitation

[1] *Life of Wilkes Almon*, vol. V, 42.

for some aid had been sent to this province and kept secret until the moment it was presented. Whether this application was made alone to this province his Lordship would learn from other Governors. In explanation of the way in which the order was made, and of his Honor's inability to prevent it, the Lieutenant Governor wrote an interesting account of the way in which the custom had grown up by which the House of Commons thus borrowed money from the Treasurer upon its promise to replace.

At this point Mr. Drayton gave up the contest and left the country in disgust. On the 4th of January, 1770, the *Gazette* announced that the ship *London*, Alexander Curling, Master, sailed yesterday, having on board one of the richest cargoes shipped since the peace, and after enumerating many articles which it contained, it adds in conspicuous type, "*Returned Goods*" — that is, goods which the committee of the Liberty Tree would not allow to be sold — "*and* WILLIAM HENRY DRAYTON, ESQ., *Author of several late Political Pieces signed* FREEMAN." In this contemptuous manner was the departure of Mr. Drayton announced; but the day was soon to come when all this was to be forgotten, and the true patriot who now left his people in ignominy was to be chosen as a member of their Council of Safety, then to act as their chief executive, and then to be their first Chief Justice under their new government, which he was to be most influential in establishing. But for the present, flushed with excitement and reckless in the exercise of their unaccustomed and irresponsible power, the party under the Liberty Tree would listen to no one who dared to question their wisdom or authority.

On the 24th of January another meeting was held under the Liberty Tree,[1] and Christopher Gadsden was chosen

[1] *So. Ca. Gazette*, February 1, 1770.

to preside. Mr. Neufville, chairman of the general committee, laid before the people the particular matters they had in charge. First there was the case of Mr. Alexander Gillon. He had imported one hundred pipes of wine in the ship *Peter and Ann* from Teneriffe. The wines, though ordered before the agreement, had not arrived until the 19th of December, and the committee had therefore required Mr. Gillon to store them; but he had declined doing so, preferring to submit the consideration of the particular hardships of his case to a meeting of the non-importers. He flattered himself that upon a due consideration of the circumstances he would be allowed to sell the wines. Mr. Gillon, it was said, was heard with great attention, and when the matter was fully discussed, the question was put whether, considering the particular circumstances of the case, he might be allowed to sell the wines. Those who were of that opinion were desired to declare it by holding up their hands; but not a single hand was raised, and Mr. Gillon was required to sign an engagement that he would store them until a general importation would take place.

Mr. Neufville, chairman of the committee, then brought to the attention of the meeting that the purpose of the resolutions had been in some measure defeated by masters of vessels and other transient persons being at liberty to dispose of whatever goods they imported, if they could find purchasers. Several persons had availed themselves of this, and some goods had been clandestinely disposed of and purchased, and others positively refused to store or ship goods thus imported. Whereupon it was at once determined to put a stop to this scandalous and surreptitious traffic, and amidst great applause it was resolved that the merchants should enter another resolution not to have any dealings whatever, now or hereafter,— except in

particular cases which should be absolutely unavoidable, — with or for any master of vessels or transient persons who should refuse to store or reship the goods by them imported if required. How Mr. Parsons and the other lawyers must have laughed in their sleeves at the stringency of the new resolution which was to be enforced in all cases *except when* "*absolutely unavoidable.*" The planters were also required to enter an additional engagement to forbid their factors to sell rice or other produce to such persons on any pretence whatever; and the general committee were instructed to publish the names of all persons acting contrary to the general sense of the people in these particulars. The last matter Mr. Neufville brought to the attention of the meeting was that three tanners had declined to sign an engagement regarding the exportation of rawhides, whereupon the committee was instructed to act upon the matter at their discretion.

The *Gazette* observes that it was worthy of notice that the several weighty matters laid before the meeting were discussed with the greatest calmness and decency, attended with a solemnity and regularity that would have reflected honor upon any body of men whatever; and it mentions as evidence of the fixed determination of the people to continue free from the smallest violation of the resolutions, that a parcel of rice in which the owner's name, a non-subscriber, had been "dubb[d] out," had been found, and the sale prohibited; and that Messrs. Cogdell and Fordyce had been under the necessity of publishing an advertisement contradicting an ill-natured report that they had undertaken to receive and sell the produce of non-subscribers. It stated that there was then, the 1st of February, 1770, actually in store, to remain until a general importation should take place, several thousand pounds sterling worth of goods imported contrary to the intent and mean-

ing of the resolutions. Mr. Drayton had left the country, and Mr. Wragg had retired to his barony in despair. There was no one left to protest against this tyranny of an irresponsible body exercising this monstrous power in the name of Liberty.

The monotony of these non-importation meetings was to some extent broken by the coming of the day of the 18th of April, on which John Wilkes was to be released from his imprisonment, and which was of course to be celebrated, and in the celebration of which there was to be an indication of the same intolerant spirit which was showing itself in some classes of the people. St. Michael's bells were rung, and there were abundant demonstrations of joy by several assemblies at different houses, particularly by the club "Number Forty-five," above one hundred members of which, as loyal subjects, the *Gazette* takes care to mention, as any his Majesty King George the Third had throughout his dominions, and amongst whom there were many gentlemen of rank and property in the province, met at Mr. Robert Dillon's, where they had a most elegant entertainment, conducted by six most elegant stewards, and spent the evening in the most orderly manner, and of course conducting everything in accordance with the prevailing play upon the number Forty-five, drinking forty-five toasts and breaking up at forty-five minutes past twelve. The gentlemen of the club, we are told, were particularly attentive to the preserving the same good order without, as they observed within, doors.[1] Among other precautions, to prevent any riotous conduct on the streets, they dissuaded every one they could from illuminating, lest some in a fit of intemperate joy might attempt to compel those who were known to be disinclined; yet upward of one hundred and fifty houses, says the *Gazette*, were illuminated,

[1] *So. Ca. Gazette*, April 19, 1770.

went with forty-five lights, others with twenty-six, and some with nine numbers.[1]

After the intended of repairing to Wilkes, the party went back to the Liberty Tree and manifestations had there begun already to appear signs of doubt and suspicion and of the coming of the inevitable dissolution of those widespread associations upon business and liberty. A meeting had been called for the 15th of May, but as the weather was intolerable, it was postponed until the 16th, as it was deemed advisable to have a full meeting then. It was said the determination upon the business intended to be laid before it should be the few who had not virtue enough to join in the common cause be properly represented as the act of a few traitors and unworthy men. We are told that the meeting was a large, respectable, and determined body of men, whose very countenances declared their firmness and zeal for an unmolested preservation of every constitutional means to preserve the inestimable rights and privileges to which they were born. But the large and respectable body was not very practical in its attendance. When the time came for the meeting of these already lifting of the long-and-tyrannical measures which, in the name of constitutional liberty they found themselves involved? It seems the body was sufficiently numerous. Colonel Henry Laurens was chosen to preside in the day. The sum of a circular letter was sent to the parish committee-men of Charleston, urging unity and consistency in the opposition, and had been the meeting and read with loud and repeated acclamations. The letter was unanimously ordered to be published and the general committee thanked for its promptitude. The circular was accordingly published in a supplement to the Gazette of the 17th of May.

[1] Supplement to S. C. Gazette, May 17, 1770.

The meeting then went as usual into the consideration of certain particular cases. The committee reported that all the importers except two houses had adhered not only to the letter but to the true intent and meaning of the resolutions. The case of one of the delinquents was acknowledged to be a hard one; nevertheless, as they were determined not to overlook the least breach, well knowing, they said, the tendency of admitting bad precedents, — "hard cases," — and all were called upon to show why they should not "*be treated with the utmost contempt.*" One of the persons charged sent in a letter expressing his concern for his infringement of the resolutions, asking pardon and promising to observe a more consistent conduct in the future. But this would not suffice. The *Gazette* says that nine-tenths of the people declined in terms of disgust so inadequate a satisfaction. They demanded an acknowledgment of having broken the agreement and a declaration of his being truly sorry for his offence, a humble solicitation of pardon, and a solemn promise that he would in the future adhere strictly to the general resolutions.

This meeting the *Gazette* describes as exceeding all others in temper and moderation. Every man, it declares, that had anything to say was called upon to express his sentiments with freedom; the most profound silence was observed when any spoke, no one was interrupted, nor a single person insulted. Yet it immediately adds that when a proposal was made to introduce a letter that had been received, hinting at a defection in their Boston brethren, the whole meeting seemed immediately warmed and absolutely refused to suffer it to be read, alleging that they could not nor would give the least credit to any such insinuation, and declaring that if it could be true, that if the whole continent were base enough to abandon

and desert so noble and generous a cause,— which was impossible,— yet that should not have the least sort of influence to alter their conduct, wherefore the communication of such intelligence was deemed equally improper and unnecessary.

Brave words, upon which they were soon to go back. In the meantime the non-importers began either to tire of hurling anathemas of contempt and abhorrence or to find them ineffectual; for since the breaking up of the last meeting there had been much talk of the severe methods of effigies and tar and feather;[1] but they were assured that one of the misbehaving houses had complied with the terms of humiliation proposed, and there was good reason to believe the other would do the same.

But now came another cause of suspicion and distrust.[2] The ship *Sally George*, Evans, Master, arrived on the 2d of May with 345 slaves from the coast of Africa. Captain Evans had been to Georgia by land and returned a few days before this last meeting, which he attended, intending to propose to stay about two months to repair his vessel and see if any change of affairs might happen in his favor, and to offer security that he would not in the meantime sell any part of his cargo in the province. After attending the meeting, however, he thought it advisable to fill his water casks the day following and sail the next with his whole cargo. Then came the doubt, Was it possible that any planter in the province could be so destitute of public virtue as to countenance the unfeeling merchants of Georgia by purchasing slaves in that province and

[1] In a note to Count Robert of Paris (vol. II, 130, ed. Ticknor and Fields, MDCCCLIX) Sir Walter Scott observes, "Persons among the Crusaders found guilty of certain offences did penance in a dress of tar and feathers, though it is supposed a punishment of modern invention."

[2] *So. Ca. Gazette*, May 3, 1770.

introducing them over land into this? If there were any such, the *Gazette* warned them to consider that any slave so introduced was liable to seizure and forfeiture, one-half to the informer, and that they would be narrowly watched by their brethren as well as the overseers and others, and that there was a determination to inflict the highest public censure upon such offenders and to treat them with contempt equal to the atrociousness of the offence as enemies to the liberties of America.

The non-importers estimated that no less a sum than £300,000 sterling, at a very moderate computation, had been lost to Great Britain by the resolutions of this province alone to refuse to purchase slaves; and this in consequence of the attempt to raise about £13,000 per annum from all the colonies, in what they considered an unconstitutional way, to maintain a set of men who only created confusion and distrust.[1] But this cause of congratulation was somewhat lessened by the reflection that loaf sugar refined in the town was sold as low as 4*s*. 6*d*. (currency) the pound, though by the first resolution they had engaged to encourage and promote manufactures in general and of the province in particular.

On May the 31st, Ann and Benjamin Mathews are advertised by the committee as violators of resolutions and persons audaciously counteracting the united sentiment of the whole body of the people, not only in this, but in all the northern provinces, and preferring their own little private advantage to the great good of America, and all persons were cautioned against having any commercial dealings whatever with them. They were declared to be obstinate and inveterate enemies to their country and unworthy of the least confidence or esteem. At the same time Messrs. William Glen and Son made public declara-

[1] *So. Ca. Gazette*, May 24, 1770.

turn of their sorrow at having through mistake disposed of a few pieces of a bale of checks which they should have kept in their store, and solemnly promised they would in the future adhere more strictly to the resolutions. The talk of effigies and tar and feathers was carried into effect to the extent of exhibiting one standing in a pillory representing a violator of the resolutions and menacing any person who should presume to deal with such a person. It was carried through all the streets of the town, attended by a prodigious concourse of people, and afterward burnt.

The non-importers had crushed two men. They had run Mr. Drayton out of the province and had silenced Mr. Wragg, but they had now stirred up a woman who would not so easily be put down without having her say. Mrs. Ann Marlows, who was advertised in Mr. Timothy's paper, the *Gazette*, gets a hearing in the *South Carolina and American General Gazette*, published by Robert Wells, who was already charged with being non-committal and lukewarm in the cause, and who was later to avow himself a loyalist and to carry on his paper as the *Royal Gazette* during the occupation of Charlestown by the British after its capitulation. Mrs. Marlows stated that she had ordered the goods in question before the resolutions were entered into, but that Captain Curling, being detained by contrary winds longer than usual, her goods did not come to hand until the 11th of January, 1770. That soon after the goods arrived, the committee called on her son to see the original order, which he had before them, stating the particular hardship of the case, but that the committee refused to allow the goods to be sold and insisted on her son and herself signing a paper promising to store them, which she being at the time very ill her son did without consulting her, fearing if he did not that the committee would advertise him. Upon hearing this, she had begged the

committee to reconsider her case, offering to reship the goods if the committee would indemnify her friend in England through whose indorsement she had obtained the goods; but the committee by a small majority of its members had refused. That finding that the goods were becoming damaged, in the absence of her son she had opened and sold them, as she had no other means of supporting her family or paying her friend who had gone security for her in London. But Mrs. Mathews was not content with thus stating her own case, which she said had been explained by a friend at a meeting under the Liberty Tree; she did not hesitate to attack the committee. She charged that Mr. John Edwards, one of the committee, had received two cargoes a short time before hers, which she defied any of the committee to say were ordered or shipped as early as hers. Why was he allowed to sell his goods and she not hers? Mr. Lightwood had a case imported for him by one of the committee which did not arrive until a month after hers. Why was not that stored? Mr. Rutledge had received a pair of horses from London as late as the 13th of April; had they been stored or reshipped? Because they came in consequence of an old order which he could not countermand? Was not her case similar to his? Why, therefore, any difference? None could be assigned but that he was a man of spirit and could not be trifled with; she, a poor widow, living a few doors of one of the leading men of the committee, and thus might perhaps take a little cash now and then from some of his customers. Why under the Liberty Tree had this person proposed to fine her? or why reproach her with her poverty? She had always understood the intention of the resolutions was to distress the people of Great Britain, not to ruin innocent individuals here. Would any one person in England suffer by her goods being stored? Would any

one there gain by her selling them? She had offered the committee to do what she could; but nothing short of total ruin of herself and her family would suffice. However, she still hoped by the blessing of God and the favor of the public to ward off the blow, and as the committee had not yet assumed the Pope's infallibility, though they had adopted his style in the Bull published against herself, she flattered herself that others would be allowed the liberty of judging in her case as well as themselves.

No doubt there were many in the town who secretly rejoiced that Mrs. Mathews had availed herself of her womanhood, and had talked back at the committee without fear of them. The people were getting tired of the espionage and tyranny of their proceedings, beside which rumors of backslidings in other provinces were increasing. The meeting under the Liberty Tree, on the 17th of May, had refused even to listen to a letter suggesting a defection in Boston; but now came accounts from Rhode Island and Georgia which they could not question.

Another general meeting was held under the Liberty Tree on the 27th of June, at which Mr. Charles Pinckney was chosen to preside, and its first business was the consideration of the conduct of Rhode Island and Georgia.[1] Undoubted intelligence had been received that Rhode Island had broken the agreement and imported British goods. This the meeting regarded as a betrayal of American liberty, and resolved that all commercial intercourse and dealing between Rhode Island and this colony should immediately and finally cease, except as to such goods as had already been ordered. That as the people of Georgia, the Hon. Jonathan Bryan and a few other individuals excepted, had acted a most singularly infamous part since the beginning of this glorious struggle, and had

[1] *So. Ca. Gazette*, June 28, 1770.

lately taken every possible advantage of the more virtuous colonies, they ought not only to be considered in the same predicament as the deluded people of Rhode Island, but also be amputated from the rest of their brethren as a rotten part that might spread a dangerous infection. They resolved therefore that all commercial dealing and intercourse between themselves and that colony should cease in fourteen days from that time, and that all masters of vessels from thence after the expiration of the fourteen days be accordingly desired to depart within twenty-four hours; and that no British goods imported from that colony should be landed. The general committee were instructed to give the earliest notice of these resolutions to all the northern colonies, and recommend them to adopt the same in regard to Georgia in the fullest extent.

A bill was at this time before Parliament in England to remove the duties on all articles except tea; but the preamble to the act of 1767 and the duty on tea Lord North declared must be retained as a mark of the supremacy of Parliament and the efficient declaration of its right to govern the colonies. The meeting resolved to urge the other colonies to continue the non-importation until the whole act was repealed. They resolved that any subscriber who should presume, directly or indirectly, to purchase from or sell for any violator of the general resolutions, should be looked upon in the same odious light as a violator himself, shunned as a pestilence and held in the utmost abhorrence and contempt. Then the meeting went on to indorse the general committee in every respect, and particularly in regard to Mrs. Mathews and her son. They declared that the resolution in regard to them had been the unanimous determination of the committee at its fullest meeting; that they were convinced that the case of Mr. Edwards and that of Mrs. Mathews were widely dif-

ferent; that the same was true of Mr. Lightwood's case. Mr. Rutledge's horses had been purchased before the resolutions were known in England, and had been prevented from coming out merely by accident. They resolved that Mrs. Mathews's publication in Mr. Wells's paper on the 15th was a misrepresentation, and in charging the general committee with partiality was untrue and malicious.

Mrs. Mathews had appealed in vain to such a tribunal. Who constituted it? Who had or had not a right to vote at a general meeting of the inhabitants? Who counted the votes? Who was there to see that justice was done her against the clamors of those who conducted the business? It may have been all true that Mr. Edwards's case and Mr. Lightwood's case were, each, better than hers; and very probably Mr. Rutledge's horses had been bought before the resolutions were known in England; but how was such a meeting as that to be sure of all these facts? And if all this was so, the case of the widow was a hard one and deserved a fairer consideration. But a fair consideration was just what such proceedings could not afford.

CHAPTER XXXV

1770–71

The arrival on the 31st of May, 1770, of the statue of Mr. Pitt, which had been ordered by the Commons' House in 1766, caused another interlude to the non-importation business. The statue had been sculptured by Mr. Wilton of London, and was considered at the time a very fine piece of work. Josiah Quincy, on his visit to Charlestown in 1773, thought the drapery exquisitely done, but the attitude and expression of the piece bad. This criticism would probably be concurred in to-day as the statue stands in Washington Square with one arm lost — shot off during the bombardment of the town in 1780. It was landed amidst a vast concourse of inhabitants, many of whom were, it was said, of the first rank and consequence, who received it with cheers and, preceded by music, drew it by hand to the place where it was to rest until the pedestal for it was raised. The vessels in the harbor displayed their flags, and St. Michael's bells, the *Gazette* says, would have been rung, but were stopped out of regard to Isaac Mazyck, a very worthy member of the community, who was extremely ill near the church. On the 5th of July the statue was raised and placed upon the pedestal at the intersection of Broad and Meeting streets. There was the usual play upon the popular numbers. A flag with the words "Pitt and Liberty," and with a branch of laurel upon it, was raised upon a staff forty-five feet high by sets of twenty-six and ninety-two, members of

the Club Number Forty-five; as soon as it was fixed, twenty-six members of the Assembly ascended the stage, whereupon the Hon. Peter Manigault, the Speaker, at the request of the people, proclaimed the inscription. As soon as this was done, Lord Chatham's health was drunk and twenty-six cannon were discharged by the artillery company. Three hurrahs succeeded, and St. Michael's bells rang out. In the evening Club Number Forty-five met at Mr. Dillon's tavern, where an elegant entertainment was provided for them and the usual forty-five toasts were drunk.[1]

But the rule of the non-importers was nearing its end. According to a number of private letters from New York there was a party there for immediate general importation

[1] Inscription upon the pedestal to the statue of Pitt. *So. Ca. Gazette*, July 5, 1770: —

In Grateful Memory
of His services to His country in General
And to America in particular
The Commons House of Assembly
of South Carolina
unanimously voted
This Statue
of
The Right Hon. William Pitt, Esq.
who gloriously exerted himself
In Defending the Freedom of America
The True Sons of England
By Promoting a Repeal
of the Stamp act
in the year 1766
Time
Will sooner Destroy
This mark of their esteem
Than
Erase from their minds
Their just sense
Of His Patriotic Virtue

of British goods, and it was hinted they might carry their point.[1] Then came positive information that the people there had deserted the cause of liberty, and the general committee advertised for a full meeting on the 22d of August to consider the situation. But no meeting took place until the 3d of October, when William Moultrie presided, and several persons were called upon to answer for violations of the resolutions. Poor Benjamin Mathews could not resist the pressure, and notwithstanding the gallant fight his mother made for him, he succumbed, made a humble confession, and sued for pardon.[2]

In the meanwhile the merchants of New York and Philadelphia, finding it impossible to maintain the agreement, had consulted and agreed to a general importation of all articles except tea. The students of Princeton burnt the New York merchants' letter by the hands of the hangman. Boston tore it to pieces and threw it to the winds. South Carolina, says Bancroft, whose patriots had just raised a statue to Chatham, read it with disdainful anger. But South Carolina, he adds, alone could neither continue non-importation nor devise a new system.[3]

A general meeting was held under the Liberty Tree on the 13th of December. Henry Laurens was called to the chair, and presented and read a paper which was put in his hands by the general committee, to the effect that intelligence having been received that most of the northern colonies had departed from the resolutions, and had imported goods from Great Britain, the general committee desired to know from the people: (1) If under such circumstances they would adhere to the resolutions of the 22d of July, 1769? (2) If not, and if no stand would be made by the province alone, whether a limited time should

[1] *So. Ca. Gazette*, August 9, 1770. [2] *Ibid.*, October 4, 1770.
[3] Hist. of the United States (Bancroft), (Ed. 1883) vol. IV. 387.

be fixed for a general importation? (3) What should be done with the goods now in store and any other goods which might in the meantime be imported contrary to the general resolutions? (4) Whether a protest should not be made and published against the colonies, which by departing from the agreement had weakened the union which had so happily subsisted between them? Upon putting the first question, says the *Gazette*, a long and profound silence ensued. At length one Mr. Thomas Lind made a motion for "Breaking Through," which was for a considerable time totally disregarded, but at last was seconded by Mr. Alexander Rantowle; pending this it was proposed that some alteration should be made in the resolutions, which would still preserve their spirit and true intent and meaning; then the reading of the preamble and resolutions was called for, and they were read, whereupon some one moved to adjourn to some day in the next January after the meeting of the General Assembly, but this was lost. It appears then to have been assumed without further formal vote that the agreement was at an end, and the meeting proceeded to pass other resolutions: (1) That all possible encouragement be given to such manufactures as the province is capable of producing. (2) That the article tea should not be imported by any subscriber nor purchased from any person while the present duty to be collected in America remained thereon; and that no goods whatever from Great Britain, whereon a duty was imposed by act of Parliament, should be imported or purchased. (3) It was resolved to restrain the importation and use of articles of luxury from Great Britain, and in all things to give preference to their own tradesmen and manufacturers; but the further consideration of how this was to be done was referred to a new association which it was proposed to form for preserving the Rights

and Liberties of America! (4) It was resolved that the goods imported contrary to the general resolutions, and therefore put into store, be redelivered to the several proprietors on the Monday following. (5) John Rutledge, Peter Manigault, Charles Pinckney, and John McKenzie were appointed a committee to draw up a protest in behalf of the people of South Carolina against the conduct of the northern colonies, whereby the people of the province had been driven to the necessity of making alterations in the general resolutions before all the good ends which were expected by entering into them were fully obtained, and that it be published.[1]

If any such protest was ever drawn by this very able committee, we have not been able to find a record of it. Nor indeed was it likely to have been prepared in view of the fact that it was countercharged that South Carolina, together with Georgia, Maryland, and Virginia, had during this time actually increased their importations — a charge which the activity of the general committee and the constant suspicion evident amongst the people tend in some measure to corroborate. The shipping lists in the *Gazettes* of the town during this period certainly show no falling off. Captain Curling, the favorite master, sailed and arrived as usual with full passenger lists, and with cargoes of course of nominally excepted goods. But doubtless there were other cases of secreted goods beside those which the committee detected, notwithstanding their vigilance. The whole scheme was destined to failure from its very inception. Commercial restrictions have never been enforced even by the strongest governments and severest penalties; still less could mere moral obligations voluntarily assumed. Pledges and honor could no more prevent smuggling than revenue officers. Lord North was

[1] *So. Ca. Gazette*, December 13, 1770.

wise when he resisted the Earl of Hillsborough, who was pressing for the execution of severe measures. It was better to wait and allow the associations for non-importation to fall asunder themselves. It was fortunate for South Carolina that the scheme was abandoned elsewhere before it had effected all the evil and mischief it must inevitably have wrought among her people. The resolutions just adopted were the last we hear of non-importation in South Carolina until its renewal was attempted by the General Congress in 1774. It will be interesting to see what report his Honor the Lieutenant Governor made of these proceedings to the government at home. He wrote at once to Lord Hillsborough: —

My Lord: Charles Town, Decr. 13, 1770.

This day, according to my letter No. 38, there was a numerous meeting of planters, merchants & mechanics. After long silence, each party acting on the reserve to receive the first attack, at last one of no note stepped forth & moved that no further regard should be had to the Resolutions, upon which a motion was made to consider whether there should be any alteration or no. The general voice was Yea. Upon which Mr. Lynch, who came fifty miles to town on purpose, exerted all his eloquence & even the trope of rhetorical tears for the expiring liberty of his dear country which the merchants would sell like any other merchandize. He was seconded by his two brethren, who were for continuing the association & proposed importing goods from Holland. But the struggle, tho' strong, proved ineffectual, & the only article now talked of as not proper to be imported is Tea. And next Monday all the goods that have been stored under the direction of the general committee, as contrary to the non-importation agreement, are by the committee to be delivered to the proprietors. But I apprehend the whole association will now be wholly at an end.

Indeed some talk of a new plan of an association, on principles of summuary Law, equivalent to non-importation, though I do not suppose it will be of any consequence and probably is intended more to preserve an appearance of reluctance in dissolving the Resolutions than with any expectation of succeeding. I thought it my duty to

give your Lordship this information, and I doubt not but when the minds of the people are a little cooled most of them will be ashamed of their having been concerned in the Association or in the rash or unreasonable means made use of to enforce them.

I am, etc.,

Wm. Bull.

In the meanwhile there had been more trouble in the General Assembly. The Commons, it will be recollected, on the day of their adjournment made an order upon the Treasurer for the sum of £10,500 currency, which was notoriously a contribution for the payment of the expenses of John Wilkes while in prison and of his debts. It went, in fact, to discharge the latter in part, which amounted to £20,000, and was regarded as a handsome contribution to him personally. This action of the Commons could not but have been expected to give great offence to the King and to be resented by his ministry. The Governor's Council took high ground in opposition to the Commons in the matter. The Council then consisted of Lieutenant Governor Bull, Egerton Leigh, the Attorney General, Othniel Beale, John Drayton, John Burns, Thomas Skottowe, Sir John Colleton, Bart., Henry Middleton, and Daniel Blake. Henry Middleton was ultimately to take sides with the people and to become one of the leaders in the Revolution and President of the Congress under the Confederation. John Drayton was the brother-in-law of Lieutenant Governor Bull, and the father of William Henry Drayton, who was then fighting the non-importers and denouncing this contribution to Wilkes, but who, like Middleton, was to abandon the King's side and to take a conspicuous part in the overthrow of the government. At present the Council was unanimous against this indignity to his Majesty and misappropriation of the public money.

On the 5th of April, 1770, the Council, Othniel Beale presiding, sent a message to the Commons, saying that on reading the schedule to the tax bill a second time, they were much surprised to find a charge there: "To Jacob Motte, advanced by him to Mr. Speaker, Mr. Gadsden, Mr. Rutledge, Mr. Parsons, Mr. Ferguson, Mr. Dart, and Mr. Lynch by a resolution of the House of the 8th of December last, £10,500," which sum appeared by the resolution to have been advanced by the public Treasurer out of money in the Treasury to be paid into the hands of these gentlemen, who were to remit the same to Great Britain for the support of the just and constitutional rights of the people of Great Britain and America. That it was not the wish of the Council to draw into question any points that might tend to weaken the harmony and confidence which had so happily subsisted between both houses, and which it was their duty to cultivate and improve; but that heed must be taken that in their legislative station they did not compliment one set of virtues at the expense of others. Fully sensible that they lived under a kind and gracious Prince, and blessed with a constitution which had perhaps arrived at as great a state of perfection as human wisdom could extend, they could not persuade themselves that a grant of such a sum of money was in any sense honorable, fit, or decent; that the jurisdiction of the Commons to grant money was local and merely for provincial purposes, and not decent as the grant by this tax bill in the schedule declared it to be his Majesty's, and yet contained a provision which tacitly affronted his Majesty's government, which had ever been in their opinion gracious, mild, and good to all his faithful people. They did not mean to enter into any altercation on the disputed claim of the two houses on the head of money bills, their sole view was to apprise the Commons of the difficulty which occurred to

them on the face of the estimate, which was likely to prevent that concurrence which was absolutely necessary to give effect to the bill before them.[1] It is singular that in this message the Council make no allusion to the Royal instructions to Sir Francis Nicholson, and since continued, which, as we have seen, prohibited the appropriation of any money which was not to be accounted for to the commissioners of his Majesty's Treasury in Great Britain, or to be disposed of otherwise than by warrant under the Governor's hand and with the advice of the Council.[2]

The Commons immediately put on their dignity and on the 7th sent a message to the Council, saying that to avoid all altercation and difference they returned the bill for the calm and serious reconsideration of the Council. The Council promptly sent it back, with a message that they could not think the proceedings of the Commons parliamentary or proper, and were determined to adhere to the sentiments of their former message. The Commons then appointed a committee of Mr. Lynch, Mr. Lowndes, Mr. Gadsden, Colonel Laurens, Mr. McKenzie, and Mr. Charles Cotesworth Pinckney to consider what steps it would be necessary for the House to take upon the two messages of the Council. This committee on the 10th made an elaborate report, going over the same ground, declaring that the conduct of the Council was altogether unparliamentary and unprecedented, and the charges against the privileges and proceedings of the House were altogether groundless, unsupported by truth or justice, and tended to draw upon them, his Majesty's faithful subjects, the heavy displeasure of the sovereign, and to render them odious and contemptible to their constituents and fellow-subjects. The report declared that the House had always upon urgent occasions, of which the Council could not be ignorant, exercised a

[1] *So. Ca. Gazette*, April 12, 1770. [2] See Chapter II.

right of borrowing moneys out of the Treasury, all of which they had faithfully and punctually repaid. That to grant money for the support of the just and constitutional rights of the people of Great Britain and America could not be construed to be distasteful and affrontive to his Majesty, the general patron of the liberty and rights of the subject. The committee recommended that an humble address be presented to his Majesty to implore his Royal interposition and to entreat him to appoint an Upper House of Assembly upon the plan of the original constitution and charter of the province; that an address be presented to the Lieutenant Governor to inform him of the insult and indignity offered to the House by his Majesty's Council and to entreat him to procure satisfaction to the House for the same. The resolutions recommended by the committee were adopted on the 11th, when a message was received from his Honor the Lieutenant Governor, requiring the immediate attendance of the House in the Council Chamber. The House attended, and thereupon the Lieutenant Governor returned his thanks for the close application they had given to the public business, and as he had given his assent to several of the bills which they had got ready, and it being the time of the year when their presence might be required in the country about their private affairs, he therefore prorogued them to the 5th of June next.

This was the answer with which the Lieutenant Governor anticipated the demand of the Commons that he would procure satisfaction to the House for the insult and indignity they said had been offered them by the Council. It was a rebuke as kindly administered as Lieutenant Governor Bull could find a way to perform what was no doubt an ungracious task to him. Did the Commons deserve such gentle treatment at his hands? Could they

expect him as his Majesty's representative to listen with patience to such empty words and mockery of truth? Did he not know, as everybody else did, that the money of the province had been sent by the House to support Mr. Wilkes in his personal contest with his Majesty's government? Was it honest in the Commons to insinuate, as they did, that they had only borrowed this money? Had not Mr. Speaker Manigault, with Gadsden, Rutledge, Parsons, Ferguson, Dart, and Lynch, written to Wilkes's agent that it was the intention of the Commons to present this sum to the society which had been organized for his support? Did this committee or the Commons intend to return this money?

The Lieutenant Governor prorogued the Assembly, and continued to do so from time to time until the 16th of August, when it again met, and he immediately sent in a message in obedience to his Majesty's command, informing the House of "an Additional Instruction" which had been received, forbidding the Governor upon pain of removal to give his assent to any bills by which money should be appropriated for defraying expenses incurred for services or purposes not immediately arising or incidental to the province, unless upon the special request of his Majesty; and instructing the Governor to see to it that a clause was inserted in every such bill subjecting the public Treasurer or any other person having custody of the public money to a penalty in the sum issued if he issued any money so appropriated.

The House, regardless of this message, immediately renewed the controversy with the Council for its interference with their appropriations, and sent in to them the resolutions adopted just before the prorogation. The Council answered in a long message, protesting that the injury to the creditors of the public, and all other

evils and mischiefs which must attend a difference between the houses, arose from the act of the Commons issuing £10,500 out of the Treasury by their own order, which the Council could never reconcile to themselves to participate in with the Commons, in any honor or disgrace which might attend the act — an act which no other House on the continent, with all their struggles for liberty, had been induced to adopt — an act which the King himself had seriously called in question, and which, in their opinion, all dispassionate men must forever disapprove. The Commons appointed a committee to consider what steps should be taken, and sent a message to the Council that they were desirous to finish the business of the session, and asked that the Council would expedite the tax bill. Mr. Lynch, from this committee, reported that the message of the Council required no further answer, and it was resolved that the good people of the colony had the sole and absolute disposal of their own money, that the representatives to whom they had delegated that right are the only guardians of the public Treasury, and that the Council styling themselves such was absurd and ridiculous. On the other hand, the Council replied to the request of the Commons to expedite the tax bill that no additional argument from them could serve any valuable purpose, his Majesty's Royal sense in the matter, as disclosed in the late "Additional Instruction" to the Governor, being totally disregarded by the Commons, and that as nothing could be expected either from their wisdom or their prudence, the Council unanimously rejected the tax bill.

The Commons then turned upon the Lieutenant Governor and sent him a message praying that he would lay before them any representation made to his Majesty upon which the "Additional Instruction" was issued. Gov-

ernor Bull very kindly but firmly replied that he knew of none that had been made by the Council, but as it was the known and principal duty of the Governor to represent to his Majesty by his ministers all such public transactions in the province as deserved the Royal notice, according to the King's instructions, he had always endeavored to discharge this duty with punctuality and the strictest regard to truth. But, he added, he should consider himself guilty of the highest presumption, disrespect, and breach of Royal trust and confidence, were he without the King's permission to lay before the House any letter he may have written upon the subject. Whenever that was obtained, he should with great readiness obey the Royal pleasure.

The House, in a long series of resolutions, reported from the committee by Mr. Rutledge, asserted again and again their right to control and dispose of the people's money. They asserted that the order of the House of the 8th of December before could not be deemed dangerous or unwarrantable, or the power of the House drawn in question, as the money borrowed had only been applied toward frustrating the unjust and unconstitutional measures of an arbitrary and oppressive ministry. That the instruction could not be supported by any proper information, but was founded upon a false, partial, and insidious representation of the proceedings of the House: false in asserting that the House had lately assumed a power, when in truth they had only exercised an ancient right supported by constant usage; partial in concealing the resolutions of the Commons to repay the money borrowed; and insidious in artfully insinuating that the House had directed an unconstitutional application of the public treasure granted to his Majesty. That the clause of the "Additional Instruction" relating to the appropriation

of such money as should be granted by the House is unnecessary, and as many evils might arise to the revenue from inserting the clause relative to the Treasurer, the House should not submit to it. That a minister directing how a money bill should be framed is an infringement of the privileges of the House, to whose action it belongs to originate or propose the same for the convenience or assistance of the Governor and Council without any alteration or amendment whatever. A copy of these resolutions was sent to the Lieutenant Governor, and the agent in London was instructed to represent this matter to his Majesty in its true and proper light, and undeceive their most gracious sovereign and convince him how much he had been imposed upon by misinformation, thereby to avert the Royal displeasure from his dutiful and loyal subjects the Commons' House of the province.

This was indeed laying upon Mr. Garth, the agent, a difficult task. How had the King been imposed upon by misinformation? Was it not true that while his Majesty and his ministers were engaged in a contest with Wilkes without parallel in English history, this money was contributed to the support of Wilkes in that controversy? Were not these facts well known to every person connected with the matter, whether at the court of St. James or in the colony of South Carolina? What else was such a proceeding but a defiance of the King in a matter with which the Commons of South Carolina had no concern whatever? This defence of the Commons was, to say the least, most disingenuous. How could they claim precedent for such action? Where could they point to a single instance of any transaction in the least resembling the voluntary sending of the people's money out of the province to support a person abroad, whether that person be patriot or outlaw? How did they propose to

repay it? Did any member of the Commons propose to pay back this money out of his own pocket? The well-understood truth was that the talk of repayment was all a pretence and subterfuge. The resolution of the 8th of December did indeed order the Treasurer to advance the money, but no one dreamt of its ever being repaid, and no such attempt was ever made.

On the 7th of September the Commons sent a message to the Lieutenant Governor, informing his Honor that as his Majesty's Council had rejected the tax bill, the House could not agree to come into measures which might increase the public debt or to an expense which it might never be in their power to defray or to raise money from the people which might by possibility come into unsafe hands; they desired, therefore, his leave to adjourn for six months. Governor Bull replied that he was sorry to learn that there was no possibility of doing any business during this sitting of the General Assembly. But before he put an end to it, he thought it proper to acquaint the House that he should transmit to his Majesty's principal Secretary of State, to be laid before the King, a copy of their resolutions. He could not forbear to observe that whatever injurious suspicions were entertained, or censure intended, impressed concern upon his heart, though greatly alleviated by a consciousness of their being uninvited. He cheerfully trusted to his actions, and not to his words, to determine whether he was a faithful subject to the King and a real and zealous friend to the province, which in his mind were always inseparable. He prorogued the Assembly to the 16th of January, 1771.

On the 15th of February, 1771, Lieutenant Governor Bull communicated to the Council the following paragraph of a letter he had received that day from the Earl of Hillsborough: "I must not omit to acquaint you that

the becoming manner in which the Council have exerted themselves in support of his Majesty's measures has not escaped the King's observation. And I am commanded to signify to you his Majesty's pleasure that you should express to them his Majesty's approbation of their conduct."[1]

Thus encouraged by the Royal approbation, as well as precluded by the "Additional Instruction," the executive assent was withholden from money bills which were in any manner contrary to them. The House of Assembly having their reason, too, for not giving way, a constant friction was kept up between the two bodies, in which the old dispute as to the right of the Council to sit as an Upper House of Assembly was revived. The consequence was that all tax bills from August, 1770, were rejected by Council, and not a public debt provided for from the commencement of this dispute, on the 8th of December, 1769, until just before the breaking out of the Revolution in 1774, when, as we shall see, certificates were issued by the Commons without the consent of either Governor or Council.[2]

[1] *Memoirs of the Revolution* (Drayton), vol. I, 68, 69.
[2] *Ibid.*, 69.

CHAPTER XXXVI

1771–73

We have seen with what expressions of concern for the state of his health the Commons had bade adieu to his Excellency Lord Charles Montagu, upon his leaving the province on the 29th of July, 1769; the thanks they had returned him for the assurances of his endeavors to benefit the province during his residence at home, and the confidence expressed that it would lead to what they most earnestly wished for — a good understanding and lasting intercourse upon the principles of justice and constitutional liberty between the colony and the mother country. Since he had left them two years ago, though the government had been administered by Lieutenant Governor Bull with all the wisdom, moderation, and tact which his long experience, kindly nature, and yet firm character had brought to the councils of the King; notwithstanding his loyalty to his Royal master and devotion to his people, among whom he had been born and lived, things had gone from bad to worse. Lord Charles, if, indeed, he had paid any attention to the affairs of the colony while in England, had accomplished nothing in bringing about a better understanding between the government at home and the refractory Commons. He had left them with the question open as to the quartering of the troops, and in the commencement of the excitement over the non-importation agreement; and since he had gone new embroilment had arisen about the contribution of the Commons to the

Wilkes's fund and the incidental, but still more serious, dispute with the Council upon the subject of tax bills. On the 15th of September, 1771, his Majesty's ship of war, *Tartar*, arrived off the bar with his Excellency the Governor and his lady and son on board. They hastened to the town, saluted as usual by the forts as they passed, and were received at the water-side by members of the Council, the Lieutenant Governor and his lady immediately waiting upon them with their congratulations on their safe return. The Council and Commons made suitable addresses, and the bells of St. Michael's were rung for the rest of the day. But his Excellency does not appear to have returned in the best of humors. He was not satisfied with the lodgings he could obtain in the town. He took up his residence at Fort Johnson; and it soon began to be rumored that a castle was to be built there at the expense of the Parliament of Great Britain. The Commons were in no better humor than the Governor.

Soon after his arrival, that body in a very decisive manner showed their determination to persist in the absolute and independent control of the taxes of the province. They passed an order upon the public Treasurers, Henry Peronneau and Benjamin Dart, for the advance of the sum of £300 currency to the committee on silk manufactures. Messrs. Peronneau and Dart, the Treasurers, refused to comply with the order, because it had been made by the House of Commons alone, without the concurrence of the Council; whereupon the Commons adjudged the conduct of the Treasurers a contempt, and committed them both to the common jail. The Governor, by proclamation of the 5th of November, promptly dissolved the Assembly.

Writs were issued, and a new House was elected,

which met on the 2d of April, 1772. All the old offenders were again in their seats,— Gadsden, Rutledge, Parsons, Lynch, Pinckney, and others,— and Peter Manigault was promptly reëlected Speaker. The Governor sent in a message, flattering himself with the pleasing prospects he entertained from the assurances he had received that the business of the province would be proceeded upon with the cool deliberation that makes the public welfare its chief object; but these anticipations he said had been most disagreeably interrupted by the Commons persisting in their claim to dispose of and issue the public money without the consent or concurrence of the other two branches of the government,— the Council and Governor,— and insisting upon their right to imprison the public Treasurers for refusing to advance a sum of money upon an order of the House only. The Commons' House returned answer to the Governor's speech, justifying their conduct in imprisoning the public Treasurers for contempt and violation of their authority, and declaring their firm purpose of adhering to the constitution by not suffering their rights and privileges to be impaired in their hands; they would not be prevailed upon by any consideration to be betrayed into a surrender of the inherent right of their constituents giving and granting their own money in such way and manner only as they might think proper. On the 10th the Governor sent for the Commons, and, saying he could see no good purpose that could accrue by longer continuation of a House that had adopted sentiments which his Majesty considered unconstitutional and disrespectful, he would therefore dissolve the Assembly.

But the public debts were pressing, the public business demanded attention, and his Excellency was uncomfortable and thoroughly dissatisfied with his position, and in his displeasure he struck upon the unfortunate idea of

removing the seat of government from Charlestown, thus to get rid of its influence and away from the Liberty Tree and the meddling mechanics who concocted all the mischief under its shade. So on the 28th of August his Excellency informed the Council that by direction of the Secretary of State for the colonies he had prepared writs for electing a new Assembly, and that as he had not been able to get a house to live in, nor see the least prospect of getting one in which to attend to the business of the General Assembly, in Charlestown, he had directed that the election writs should be returnable at Beaufort, Port Royal. His Honor the Lieutenant Governor frankly advised his Excellency against this step; he admitted that it was a very great inconvenience to his Excellency to be so long without a home proper for his accommodaton and suitable to the rank he held in the province, but he urged that the calling the Assembly to any other place than at Charlestown, especially so remote a place as Beaufort, would be attended with many inconveniences and difficulties; that the present was a very critical time; that the session of the Assembly would very probably be a very busy and interesting one, as the general duty law, on which the salaries of the judges, clergy, and other officers depended, as well as several other most useful laws, would expire in a prorogation or dissolution; that if the Assembly proceeded upon business, they must have recourse to records and papers, as well as the Treasurer's accounts, which were kept at Charlestown, some of them fixed there by law, and the removal, if practicable, would be attended with hazard and inconvenience; that he saw but one benefit which would possibly result, which was that some of the leading members, whose influence had chiefly prevented public business in the late Assembly, might make the distance an excuse for their not serving,

and public business might perhaps go on; but that was only conjecture, and perhaps the Assembly might either not meet at all, or meet in a very ill humor; on the whole, while he was entirely satisfied with the power of the Governor to remove the Assembly to any part of the province, which had before been done by his father, by Governor Glenn, and by himself, holding the Assembly at Ashley Ferry, when pestilential disorders raged in Charlestown, he did not think it expedient to do so in the present instance. But his Honor's protest was not even seconded in the Council, and the writs of election being already filled out returnable at Beaufort, the Council appointed the 22d and 23d of September as the days of election, the day of return the 8th of October, and the Governor signed and sealed them.

The possibility that some of the leading and influential members of the Commons who were resisting the Governor and Council might not take the trouble to go to Beaufort, seems to have been the hope of his Excellency in calling the Assembly there; but in this he was much mistaken. Nineteen representatives were required to be present to constitute a quorum of the Commons. It was very unusual that that number would be present on the day to which the writs were returnable. Three or four days generally elapsed before a House could be formed to choose a speaker. But upon this occasion, notwithstanding the trouble and inconvenience of a meeting at such a distance, — at least seventy-five miles from the established seat of government, — not less than thirty-seven of the representatives were assembled at the court-house in Beaufort by ten o'clock on the morning of Thursday, the 8th of October, the day fixed by the Governor for the meeting of the Assembly; and by noon thirty-four had taken all the oaths required by law, had unanimously

rechosen Peter Manigault to be their Speaker, and were ready to present him to the Governor and to proceed to business. So far, indeed, from having a small and subservient body to meet him at Beaufort, the Governor found every member of the House present but five, and the absence of these could satisfactorily be accounted for, nor were those present in any complying humor. Against the Lieutenant Governor's advice his Excellency the Governor had stretched his prerogative to the utmost, and had accomplished nothing by it. This large attendance of the Commons, so far from pleasing his Excellency, angered him all the more, and induced a still more unwarrantable action on his part. Instead of receiving the Commons at once, as was clearly his duty, approving or disapproving of their choice of a Speaker, and allowing them to proceed to business, he put off their reception until Saturday, the 10th, at twelve o'clock, nor was the Speaker approved nor the session opened until that day, when his Lordship made his customary speech to both houses. This speech was the most extraordinary part of the whole proceeding. Commencing with a lecture full of trite and commonplace observations upon the general duty of legislators, and the temper in which they should enter upon their business, and of his own constant intention to preserve the laws of the province from violation, which he declared was the only cause of his calling the General Assembly at this time, and then going into a long disquisition upon the points of difference between the former House and the Governor and Council, he went on to say that as he had now some reason to think that the speedy sitting of the General Assembly in Charlestown might induce such deliberation as would be proper, and pledging himself at all times to exercise his authority as might conduce to the public benefit, he prorogued the General Assembly

to the twenty-third day of the month, to be then held at the usual place in Charlestown. So though, against the Lieutenant Governor's protest, he had caused most of the members of the Assembly to go seventy-five miles — a long journey in those days — to a place of inconvenient accommodation, he keeps them there three days without allowing them to transact any business, and then orders them all back to Charlestown.

His Lordship immediately set out for town, and was received with salutes from the forts as a returning conqueror. The Commons hurried after him, and were all in their seats at the time to which his Excellency had prorogued them. They had been in session but a few days when Peter Manigault, who had so long filled the chair of Speaker with acceptability to all, resigned his seat on account of ill health, and received the most cordial thanks of the House. His resignation was caused by his failing health. He died soon after. Rawlins Lowndes, who had preceded him as Speaker, was again reëlected in Mr. Manigault's place.

On the 2d of November, 1772, the Committee on Grievances made a report to the House upon the conduct of the Governor in calling the Assembly at Beaufort, keeping them there three days without permitting them to do any business, and proroguing them back to Charlestown. The report was moderate, calm, and dignified. It declared that the Governor's conduct called for the utmost resentment of the House, and would well justify their coming immediately to a resolution to do no more business with his Excellency until he had given them satisfaction in the matter. Yet as the people had been long deprived of representation, and his Majesty's service and the interest of the colony required the immediate sitting and proceeding of the General Assembly, the committee

recommended that the House should not carry matters to that extremity, but that they should enter into certain resolutions which the committee proposed: (1) That as the House did not exist when his Excellency formed the plan of calling the General Assembly to Beaufort, his proceeding was founded upon ill will to the body of freemen of the province, inasmuch as he thereby showed his purpose of injuring and affronting whomsoever the freeholders of the colony should choose to represent them. (2) That his Excellency's calling the General Assembly to Beaufort, a place distant from Charlestown, where such assemblies had always been held, except in cases when malignant and contagious disorders raged there, where all the public offices and records were kept, at a time dangerous to the health and inconvenient to the private affairs of the members, was a most unprecedented, oppressive, and unwarranted abuse of a Royal prerogative. (3) That his keeping them there three days before he would receive them with the Speaker, and then immediately proroguing them, was adding insult to injury, and plainly manifested his contempt of the people's representatives. (4) That his proroguing the General Assembly without suffering them to sit a moment as a legislative body was at least an evasion, if not a direct violation, of the election law, which enacted that the sitting and holding of the General Assembly should not be discontinued above six months. The committee recommended that the agent in London should be ordered to make the strongest representation to his Majesty of the arbitrary and oppressive proceedings of the Governor to use his utmost endeavors to procure the removal of his Excellency from the government, or such other mark of his Majesty's Royal displeasure as would prevent Governors for the future from oppressing the people by abusing those prerogatives which were intended for their benefit.

Just as the Commons' House were concluding the debate of the last paragraph of the report, they received a message from the Governor to attend him in the Council Chamber. No doubt expecting that it might be his intention to either prorogue or dissolve them, the House took the precaution to finish their action on the report before attending; which having done, they waited on his Excellency, who, as they had anticipated, prorogued them to the 9th. On their meeting again on this day, they found the Governor in a furious passion. During their absence he had sent for the journal of the House, claiming his right to a perusal of it at any time. It happened that Rawlins Lowndes, the Speaker, had taken the journal home to examine it, as he claimed had been the constant practice of all the Speakers, in order to inform themselves of the business of the House and to inspect it for errors or omissions. The Governor thereupon sent a note to Mr. Lowndes, demanding the journal. Mr. Lowndes happened to be spending the evening at the house of a friend when the note was left; but his servant, thinking it important, took it to him. The Governor's note was received about nine o'clock in the evening, just as the party at his friend's house were going to supper, too late, Mr. Lowndes considered, for a compliance with the demand that night, especially as he must then have carried the journal himself to the Governor, which he had no idea of doing. The next morning, however, he rose early and had the journal taken to the Clerk of the House, and desired that it might be sent to his Excellency. The clerk was ill, and in this way there was some further delay in the Governor receiving it; upon his receiving it, he saw that the Commons had delayed their attendance in response to his message until they had passed the resolutions condemning his conduct, protesting against his action, and requesting

his recall. All this greatly angered and excited his Excellency, and when he met the Assembly, he proceeded in violent temper to assert his right at all times to inspect the journal of the General Assembly, and then to charge upon the Speaker unprecedented and unconstitutional conduct in taking the journal into his possession, and complaining that, though he wrote to demand, he could not procure it until the next day, and then only a very short time before the meeting of the House. Then he went on to imply that the Speaker had taken the journal in order to prevent his seeing the action of the House in regard to his conduct. "Is it," he asked, "in such a manner that violent measures in a Commons' House of Assembly are to be concealed from the Governor until almost the moment of their being carried into execution?" He went on to say that he had intended to suffer the House to sit for the dispatch of business, but having perused the journal of the day on which he had last prorogued them, he found that after they had received his commands immediately to attend him, they had continued to sit and to put a question and to form resolves and orders — a behavior unprecedented, he declared, and of a most dangerous tendency, a proof of the contempt of the King's prerogative which is a part of the law of the land, a proceeding which he could not suffer to pass with impunity. "I shall part with the Commons' House with the less reluctance," he continued, "because they seem wanting in justice to their constituents, whom they endeavor to delude, pretending to serve them by a measure which from experience and from the information of their agent they know has not a chance of procuring relief to the distressed public; improperly spending their time in impugning that exercise of the prerogative which the uninterrupted silence of the House had confessed to be

constitutional; wantonly showing how they regard the laws of Parliament by innovating upon them; acting in such a manner as is unknown in parliamentary proceedings, from which it is my duty not to permit any deviation." "I do therefore dissolve the General Assembly."

In the incoherence of this speech it is almost impossible to follow his Excellency further than to perceive that he was too angry to make himself understood — if, indeed, he had any clear idea upon the subject, except that the Commons had dared to sit after he had sent for them, and that, too, in order to pass resolutions censuring himself and asking for his removal. It was, too, all the more angering, no doubt, because, though his Excellency was, to say the best, a man of but very moderate ability, he could not but perceive that in calling the Assembly at Beaufort, against the advice of his Lieutenant Governor, he had committed a political blunder, if not worse. He had but to couple the declarations of the first and last paragraphs of his speech at Beaufort to perceive in what an absurd and inconsistent position he had put himself. He had begun with saying, "My knowledge of the situation of affairs in the country and of her real interests, and my ardent wishes to promote them, induced me to summon this General Assembly to meet in this town" (Beaufort), and yet had concluded, "and as I have *now* reason to think that the speedy sitting of the General Assembly in *Charlestown* may induce such deliberation as may be for the public benefit, I do prorogue the General Assembly to the 22d of *October* instant, to be then held at the usual place in Charles Town." What had changed his views, and when had this new reason to change back to Charlestown occurred to him? Had he changed his mind during the delivery of his speech? It seemed as if he had. By this blunder, he had united the

people in support of the Commons, when many of the best of them no doubt objected as much as he did to the misappropriation of the public funds in sending money to pay debts and expenses of the profligate Wilkes.

Mr. Lowndes addressed a communication to the printer of the *Gazette*, November 5, 1772, in answer to the Governor's strictures upon him, explaining his accidental possession of the journal at the time the Governor sent for it, and his delay in sending it to his Excellency, and with a great deal of dignity concluding: "My idea, my sentiments, are known to many gentlemen, that if the Governor has a right to inspect the journals, it is below the dignity of the House and its Speaker to use any effort or evasions to keep them from him; if he has no right, his claim ought to be disputed upon its proper ground. What I did was from my own motives. I had no authority or sanction from the House."

New writs were at once issued for an election, to be held on the 15th and 16th of December, 1772, for representatives, and the new House was to assemble on the 1st of February, 1773. But if his Excellency could part with the old members without reluctance, their constituents could not. The same members were returned, and as soon as they met they unanimously reëlected Rawlins Lowndes Speaker. Whereupon the Governor first prorogued them until the 15th, and on the 11th issued a proclamation dissolving them.

Still another election was held, on the 10th of February, 1773, and the same members were again returned, who, when they met on the 23d, again immediately reëlected Rawlins Lowndes Speaker. This was to be the last House of Commons under the Royal government.

Lord Charles Greville Montagu's unfortunate administration was at an end. He was worn out with the

struggle and threw up his office. He was to have embarked on the 2d of March on his return to England, and attended a ball given by the St. Cecilia Society the evening before, as his last appearance in the province. The winds, however, proved unfavorable, and it was not until the 8th that his Excellency sailed with his family in his Majesty's packet boat, the *Eagle*, which had just carried to Savannah Sir James Wright, the Governor of Georgia. The forts saluted his Excellency as his vessel dropped down the harbor, and Captain Gadsden's corps, the artillery company, paraded and joined in the salute upon his departure; but it would have been better for his memory in South Carolina if his Lordship had not returned to the province with ideas of building a castle on James's Island for his residence, and of stretching the King's prerogative so foolishly in calling the Assembly at Beaufort.

We have mentioned in a previous chapter Josiah Quincy's meeting Lord Charles at a ball of the St. Cecilia Society the evening before his departure. Mr. Quincy was then on a visit to Charlestown avowedly, and no doubt truly, on account of his health,[1] but it was suspected that his visit was not altogether without political motive; at any rate, while here he kept a journal, in which he carefully recorded the views and opinions he heard expressed, and noted the interests and sympathies of the people in relation to the great questions which were agitating the colonies, and in which Massachusetts was taking so prominent a part. He was received with great hospitality, and was cordially entertained. He gives a very particular account of a dinner party at Mr. Miles Brewton's, which, in view of subsequent events, is too full of interest to be omitted here.[2]

[1] *Memoirs of J. Quincy, Jr.*, 70.

[2] *Ibid.*, 100, 101.

"March 8 (1773). Dined with a large company at Miles Brewton's, Esq., a gentleman of very large fortune, — a most superb house, said to have cost him 8000£ sterling. Politics started before dinner, a hot, sensible, flaming tory one, Mr. ——, a native Britain, advanced that 'Great Britain had better be without any of the colonies; that she committed a most capital political blunder in not ceding Canada to France; that all the northern colonies, to the colony of New York, and even New York also, were now working the bane of Great Britain; that Great Britain would do wisely to renounce the colonies to the north, and leave them a prey to their continental neighbors, or foreign powers; that none of the political writings or conduct of the colonies would bear any examination but Virginia, and none could lay any claim to encomium but that province;' strongly urged 'that the Massachusetts were aiming at sovereignty over the other provinces, that they now took the lead, were assuming dictatorial,' &c., &c. 'You may depend upon it,' added he, 'that if Great Britain should renounce the sovereignty of this continent, or if the colonies shake themselves clear of her authority, that you all (meaning the Carolinas and the other provinces) will have governors sent you from Boston. Boston aims at nothing less than the sovereignty of this whole continent. I know it,' etc., etc."

There is probably no more historical house in this country than this of Miles Brewton's, in which Mr. Quincy was entertained, and in which the above prophecy was made. It was the scene of stirring events during Lord William Campbell's attempt to recover the government from the general committee, which had seized upon it in 1775. Upon the fall of Charlestown in 1780, during the Revolution, it was the headquarters of Sir Henry Clinton, and afterward of Colonel Balfour, the commandant of the town. It was in its spacious and elegant parlor that the affecting scene of the ineffectual appeal of Mrs. Peronneau and other ladies was made to spare the life of the martyr, Isaac Hayne, to the inexorable Balfour and the complacent Lord Rawdon. Upon the fall of Charleston, during the late war between the States in 1865, it

was at once taken as the headquarters of the Federal army of occupation. Thus it has twice been the headquarters of an invading army — in neither case that of a foreign foe. In the latter a General from Maine — if not from Massachusetts — held his rule there as Governor of the city, and the prophecy which Mr. Quincy recorded was fulfilled within the very walls in which it was made.[1]

[1] The author of this work was himself connected with an interesting incident in the fulfilment of the prophecy mentioned in the text. Calling at this house upon the late Hon. William Alston Pringle, the city Recorder, a great-great-grandson of Miles Brewton, residing in it, during an illness some time previous to his death, he was invited to the bed chamber in which Judge Pringle then lay sick. During the visit the author remarked, "Judge, it will probably surprise you to know that I have been in this chamber before." "Ah! how was that?" he said. Referring to the occupation of the house as the headquarters of the Federal army at the end of the war, the author related that he had occasion while upon parole as a Confederate officer, just after the surrender, to report to the Federal General, and was shown by the orderly to this room, then occupied by the Adjutant General, with whom he transacted his business; the commandant General O. O. Howard, having his office in the adjoining room. Judge Pringle listened with great interest, and, recalling Quincy's story of the prophecy, he said that its fulfilment was still more remarkable in his own case: that he had had himself to come to the house about the same time to apply for the restoration of his father's plantation, — there was no chance at that time of the restoration of the house, which had come by descent from Miles Brewton to his mother, as it was then so occupied, — and upon presenting himself had been shown up to the adjoining room to that in which they then were, that, while waiting the General's leisure, he was observing some mutilation of the wall, when the General remarked that he seemed interested in the room. "Yes, General," he replied, "I am, considering that this was my mother's bridal chamber, and that in it I was born."

Soon after this — in the fall of 1865 — General Charles Devens from Massachusetts, afterwards Associate Justice of the Supreme Judicial Court of that commonwealth, was assigned to the command of the Military District, and as such was military governor of Charleston. His headquarters were not, however, in the Brewton mansion.

CHAPTER XXXVII

1773–74

The *Gazette*, in announcing the departure of his Excellency, Lord Charles Greville Montagu, observes that the administration of the affairs of the government would for a fifth time devolve upon the Hon. William Bull. There was a strong desire in the province that Lieutenant Governor Bull should receive the full appointment. It would have been well for the Royal authority had the commission been given him. He had been Lieutenant Governor now for many years, and during a large part of that time had been the chief magistrate, exercising the office with dignity and propriety. He was related to most of the leading Whigs, but faithful to the King and honorable in all his transactions. He believed that obedience to the Royal government was a paramount duty, and acted accordingly. He had a princely fortune at stake, but did not waver in his conscientious duty to the King. It was supposed by some, says Dr. Johnson in his *Traditions*, that if Willam Bull had been made dictator in this crisis of American affairs, there may have been no Revolution; that his knowledge of the American rights and feelings, his sense of justice and of true policy, would have restrained him from enforcing unconstitutional taxes on British subjects; that his firm, patriotic, and conciliatory administration would probably have prevented a resort to the *ultima ratio*. This was no doubt supposing too much; but it is certain that Governor Bull was a

great favorite in South Carolina, and possessed more influence for the Royal cause than any other man in the province, and far more than any stranger could possibly exert. The wish that William Bull should be made the Governor soon produced the report that he would be appointed, but the *Gazette* of May 3 had with regret to dispel the hope and to say that there was no foundation for the report which had prevailed. On the contrary, it announced that there were grounds for belief that the Right Honorable Lord William Campbell, the present Governor of Nova Scotia, would be promoted to this province, and the news was confirmed soon after. Lord William Campbell was the third brother of the Duke of Argyle. He was no stranger in South Carolina. He had married Miss Sarah Izard, a young lady of one of the oldest and richest families in the province, and had just been with his wife on a visit in Charlestown. He did not, however, come to assume his office until too late. When he did at last arrive, the government had been superseded by the Provincial Congress. He was to end his short connection with his wife's native land, and his life as well, with a fatal wound received upon one of the vessels under Sir Peter Parker, in his attack upon Fort Moultrie, three years after his appointment as Governor.

The Commons' House which had been elected on the 23d of February, 1773, did not assemble as promptly as that which had met at Beaufort; but as soon as a quorum was formed, it unanimously reëlected Rawlins Lowndes Speaker, whose choice Lieutenant Governor Bull at once confirmed. Lieutenant Governor Bull addressed the Commons' House as if nothing had occurred to interrupt the relations between the government and the people. Though they had reason to rejoice in the many advantages they derived from their prosperous condition, yet it would

occur to the House, he said, in their deliberations for the public good, that the aid of the legislature is still wanting to make further improvements on their part in literature, agriculture, and commerce. These he mentioned as general objects of their attention. He recommended to them consideration of the state of the public Treasury and the duration of that unfortunate law, — the general duty act. He would order the public Treasurers to lay before them the accounts of the public debts, for which he desired they would make speedy and effectual provision. The Commons' House thus met in a conciliatory tone, and went cordially to work upon the business of the province.

Mr. William Henry Drayton, who had left the province on the 4th of January, 1770, in disgust at the conduct of the non-importation association and the contribution of the Commons to the Wilkes's fund, had taken with him the correspondence between Christopher Gadsden, John McKenzie, William Wragg, and himself, and published it in London. This correspondence thus published attracted the attention of the government; he was presented at court, was received with marked favor, and on the 27th of February, 1771, was appointed a member of the Council of the province of South Carolina; but he was in no haste to return home. He remained to bask in the sunshine of royalty for more than a year, and did not take his seat at the Council board at home until the 3d of April, 1772. By the end of August, 1773, he was in open breach with the Council, of which he continued, however, a member until suspended by the Lieutenant Governor, his uncle, the 1st of March, 1775.

At the time Mr. Drayton took his seat at the board, the Council consisted of the Lieutenant Governor, William Bull; Sir Egerton Leigh, the Attorney General, he having just been created a baronet; Thomas Knox Gordon,

from Ireland, the newly appointed Chief Justice; John Drayton, the Lieutenant Governor's brother-in-law, and the father of William Henry; Daniel Blake, Barnard Elliott, John Burns, and Thomas Skotowe. Of these the Lieutenant Governor, the Draytons, Blake, and Elliott were natives; the others were placemen from England. It was the composition of this body which Mr. Drayton, two years after, while still a member of it, attacked in his famous letter to the American Congress over the signature of "*Freeman*," in which name, as we have seen, in 1769, he opposed so earnestly the non-importation agreement, and denounced the sending of the public money to Wilkes. As "*Freeman*" he had maintained the constitutionality of the revenue laws, opposed the non-importation agreement, and ridiculed the idea of carpenters, cobblers, and butchers meddling with State affairs. As "*Freeman*" he was now denouncing the strangers, members of the Council, and opposing the measures of the Royal government. But he was not willing to give up his seat at the King's Council board, though he had to sit there beside the placemen he so despised. Nor had he yet found the occasion for a break with the King's friends, if indeed he was yet seeking it.[1]

The original establishment of councils in the Royal government on this continent, Mr. Drayton wrote, consisted principally of men of property established in the colony. Such a Council could not but be well acquainted with the interests of the country and be no less ready and zealous to promote them, at the hazard of their seat. Such men stood in awe of no minister, yet they rendered the most essential service to the Crown, as well as to the people. But now, he said, the principle of appointment

[1] Gibbes's *Documentary Hist. 1764–76*, 20.

is reversed; we see in Council more strangers from England than men of rank in the colony,—counsellors because they are sent over to fill offices of £200 or £300 per annum as their only substance in life. Thus strangers, not to be supposed very solicitous about the prosperity of the colony, in which they have no interest but their commissions, are as legislators to determine upon the *res ardua* of the State; and, ignorant of our law, and too often unexpectedly so of the English law, they are as chancellors to decree in cases of the most important value to the colonists. Unfortunate colonists! Mr. Drayton exclaims, by the minister abroad, thus are you delivered over a sacrifice at home to the ignorance and necessities of a stranger, by the hand of power imposed upon you as a judge! This was no doubt true. Since its establishment until late years the Council had been formed of the best men of the colony. During the Royal government from 1729, in the Council had been found such men as William Bull, the father of the present Lieutenant Governor, and himself, Ralph Izard, Francis Yonge, Alexander Skene, Arthur Middleton, Thomas Smith, James Kinloch, Joseph Wragg, Thomas Broughton, Thomas Waring, Sir John Colleton, Charles Pinckney, John Cleland, William Middleton, Joseph Blake, William Wragg, and Henry Middleton. Such men as these honestly advised the Royal Governor as to the needs and interests of the people. They were loyal advisers and councillors in the nature of a Privy Council. But now the two Draytons, father and son, and Blake and Elliott, were overruled by strangers and hirelings calling themselves an Upper House of Parliament, and assuming to be a miniature House of Lords. These placemen were now ambitious of figuring in the troubles of the times and of illustrating their loyalty, and in this

the native members of the board were at first afraid — if willing — to oppose them. Nay, so far from opposing them, they had stood by the late Governor in his absurd and vexatious stretch of prerogative in taking the Assembly to Beaufort and in his quarrel with the Commons; and William Henry Drayton was now to join them in an effort to provoke the Commons and to dictate to the Lieutenant Governor himself.

Their first step was to volunteer their advice to the Lieutenant Governor upon the financial condition of the colony and to assume to instruct him as to his duties. On the 13th of August, 1773, they addressed his Honor a long communication upon the condition of the Treasury, which they claimed they had a right to supervise; for though they were not the immediate representatives of the people, yet they were among the guardians of the public. Upon examining the Treasury accounts, it appeared that on the first day of June last the sum of £127,674 was due on account of public duties, of which large sum only £10,000 were actually in the Treasury issuable upon the many and large demands to which it was liable; that various sums to the amount of £158,476 had been drawn out of the Treasury by virtue of laws directing such sums advanced out of any of the funds to be replaced by a general tax, as usual. The trading part of the province, the Council declared, might now sincerely lament that a tax bill had not been passed since the year 1769. If the tax bills had been passed, they would as usual have replaced in the Treasury that large sum of £158,476, and by that means the sum of £168,476 would actually be in the Treasury, issuable and ready, as it ought, to answer every legal demand. It was not the fault of the Upper House, they said, that the tax bill had not been passed. They had always been ready to give

their concurrence to any tax bill framed upon the fundamental principles of the constitution; but that if they had given their concurrence to any tax bill which had been brought them since the year 1769, they would have surrendered their rights as legislators and should thereby have betrayed the constitution, by which they were bound to regulate their conduct. They concluded by advising his Honor, in a somewhat dictatorial tone, to order the Attorney General to compel those persons who had been the longest indebted for public duties forthwith to pay into the public Treasury the sum of £50,000.

The Lieutenant Governor replied politely, but curtly, that he would give such directions as might prevent alarming events relative to the Treasury, should take care to do so in such a manner as would create no distress to any part of the community, and should create as few inconveniences to the persons concerned as could consist with the public service.

The Council took great umbrage at this reply of his Honor, and adopted resolutions, which were prepared and reported by Mr. Stuart the Chief Justice and Mr. William Henry Drayton, declaring that it was not only the undoubted right, but the indispensable duty, of the House at all times to examine the state of the public Treasury, and to address, consult, and advise the Governor in any matter relative thereto. That in their opinion the address of the Council to the Lieutenant Governor contained matter of the utmost importance to the public, and was at the same time conceived in terms both dutiful and respectful to his Honor. That the Council would, under every discouragement, loyally, dutifully, and humbly tender their counsel and advice when the credit of the country was at stake, and the rather as one branch of the legislature had hitherto omitted to oppose its prudent care to avert the fatal

consequences arising from the present deceiving state of public credit.

Governor Bull was a man of as few words as his young nephew was of many, and with the wisdom and admirable tact which he displayed through all these troublesome times, he let the Chief Justice and his nephew have their say; but he continued unmoved in his own course. He precipitated no fresh trouble on the people by attempting to force out of a few the supplies the Commons had refused to grant.

Mr. Drayton and his father, Mr. Blake and Mr. Elliott, went with the other councillors in this little tilt with the Lieutenant Governor; but the time had come when the native members of the board were to part company with the stipendiary strangers. A great number of spurious coin, Spanish half-joes, and counterfeit bills had got into the currency, and the Commons' House had passed a bill for making it felony to counterfeit the paper currency or other money, and had sent it to the Council. Mr. Drayton and the other native member had endeavored to induce the Council to act upon the measure, but it was voted down, and the bill postponed. Upon this the two Draytons, father and son, entered a protest, because they conceived that the refusal to act upon this measure would be interpreted as a design to reject it, and that the delay would occasion a further disunion of the two houses and be detrimental to the King's service and the public good. Upon the adjournment of the Council, Mr. William Henry Drayton gave a copy of this protest of his father and himself to Thomas Powell, printer of the *Gazette*, who published it in his paper on the 30th of August, 1773. The next day the matter of this publication in the *Gazette* was brought up in the Council; it was adjudged a high breach of privilege and contempt on the part of Powell, the

printer, who was arrested and brought before the Council, and was informed that he must ask pardon. He answered that he had no intention by the publication to offend the honorable board; that, had he known it to be a breach of privilege, he certainly would not have made the publication; that if he had erred, it was owing to his inexperience, and that he was very sorry for it. The Council was not satisfied with this disclaimer. Mr. Powell was ordered into the custody of the sergeant-at-arms; and being brought in again, Mr. Powell was told that he must ask pardon without any "*Ands*" and "*Ifs*," otherwise he would be committed to jail. To this Mr. Powell replied that, as he did not know he had committed any fault, it was hard to confess himself guilty and be obliged to beg pardon; but if he could be convinced that he had been guilty of a breach of privilege, he should be very willing to ask pardon. These answers were declared to be unsatisfactory, and such as the honor even of private gentlemen could not allow them to accept; that they manifested the most daring disrespect. Whereupon Mr. Powell was committed by an order of the Council, signed by Egerton Leigh, President, to the custody of Roger Pinckney, who was now Sheriff of Charlestown since the abolition of the office of Provost Marshal, and Powell was put in the common jail.

It was upon this occasion that Edward Rutledge made his first appearance in the public affairs of South Carolina, in which he was from henceforth to be so conspicuous. He was not yet quite twenty-four years of age. He had first studied law with his brother, John Rutledge, but that not then being regarded in Carolina as enough, in 1769 he had entered as a student in the Temple, London. He had just returned, and had been elected with William Wragg as a representative in the Commons for

St. Helena, but had declined to serve.[1] His election in connection with Mr. Wragg, a known Royalist of the most uncompromising character, would seem to indicate the supposed tenor of his own views at this time, but he was now to enter the revolutionary struggle and to follow the lead of Christopher Gadsden rather than the more conservative course of his distinguished brother.

Under the act of 1712, providing for the application of the *habeas corpus* act, the writ might be made returnable before the Chief Justice or any two of the Assistant Justices. The Chief Justice and Assistant Judges were, as we have seen, to be appointed by the King, and in practice the Chief Justice was so appointed, and was almost always a stranger from Great Britain; but the Assistant Judges, seldom professional lawyers, were commonly appointed by the Governor from lay citizens of eminence, nor was such an appointment incompatible with a seat in the Commons; and it so happened that at this time Rawlins Lowndes, the Speaker, and George Gabriel Powell, a member of the Commons' House from St. David's Parish, were both Assistant Judges. Mr. Rutledge selected these two Justices as the Judges before whom he would sue out a *habeas corpus* for his client, Thomas Powell, the printer. The curious spectacle was thus presented of the Speaker and another member of the Commons' House sitting as judges to hear and determine upon the commitment of a person by order of the Attorney General and Chief Justice sitting as members of the Council. It was a manifest continuance of the war between the two houses; and in this struggle the so-called Upper House was to be shaken to its very foundation. The young lawyer who had undertaken Mr. Powell's case was fresh from the galleries of the House of Commons of Parlia-

[1] *So. Ca. Gazette*, May 17, 1773.

ment, where he had heard Pitt and Burke denounce the ministry and the Tories, and uphold the colonies in their resistance to the Royal measures. It was indeed a most auspicious occasion for the opening of a distinguished career, and well did Mr. Rutledge avail himself of the opportunity. His argument before the two Judges, as reported in the *Gazette* of the 13th of September, 1773, while presenting perhaps nothing which had not been advanced at one time or another in the frequent previous discussions of the subject, is an exceedingly able one. He did not hesitate to attack the constitution and powers of the body who had assumed to be the Upper House, and arrogated to itself the powers and claimed the dignity of a House of Lords. The warrant, he said, appeared on its face to be a commitment of the prisoner by the President of the Council for having published a part of the proceedings of the Upper House of Assembly, as in his opinion they had improperly styled themselves; it was necessary, therefore, to meet the question fairly, and to contend that the Council in this province *were not men of such high consequence* as to be allowed the power of depriving a free man of his liberty for what they should imagine a breach of privilege or contempt. The reason which induced him to deny them such power was because they were no branch of the legislature at all, and of consequence could not be indued with the rights and privileges of the House of Lords in Great Britain. The idea of their being a branch of the legislature was so truly ridiculous that he should not have thought it worthy of notice had it not received the sanction of the opinion of several respectable characters. He would show that, although the members of the Council for some time arrogated to themselves the rights of the House of Lords, they were destitute of those essentials which were necessary to constitute so respectable a

body. Such power could be derived in but one of two ways. Either from the known law of the land or from long immemorial usage. He was warranted from the strictest search and the fullest inquiry to pronounce that there existed no law whatever which had given them such extreme power. Had they, he asked, immemorial usage to justify this imprisonment? The shortness of the time excluded such an idea. The non-exercise of such a power during this time was a strong argument to prove the want of it. The Council was nothing more than a Privy Council to assist the Governor with their advice. The House of Lords was a permanent body, not dependent upon the will or removal at the pleasure of the Crown. The Council in the province, like the Privy Council at home, were entirely so. The House of Lords had no vote at elections. Why? Because the powers would not then be equally possessed. The Upper House would have too much weight for the security of the State. The members of the Council here have a right to vote for members of the Assembly. Why? Because they are not looked upon to be of any consequence at all. The House of Lords were the balancing power between the King and the people to see that on the one hand no attack was made upon the prerogative of the Crown, and on the other that no infringement was made upon the liberties of the subject. The members of the Council were a dead weight in the constitution, and ever would be so long as a Council is dependent upon the will of the King. Could such people be wantonly trusted with the freedom of the subject? Should it be in the power of the Privy Council — or, rather, two of the King's officers — to deprive the subject of his personal liberty? "I do boldly deny the right," he exclaimed, "for the King has not so excessive a power even in his Royal hands, and it will be going far to assert

that those to whom a power is delegated can have a higher or more extensive use of it than him from whom the power is derived. The power of commitment by the King and Council, it is true, was formerly exercised, but it was held to be so extremely unconstitutional and oppressive that it was checked so early as the reign of the wicked and miserable Charles. I hope that lawlessness will not be tolerated from the hands of plebeian authority, when it has been plucked up as a weed from the flowers of the prerogative."

There could be no doubt about the issue of such a trial. It has been said that no judge can be expected to decide against his political party. But in this case the Judge was himself the head of his political party, and the question before him was of the essence of the controversy which had been going on between the two houses, and which had now assumed the aspect of a judicial question. Mr. Lowndes did not attempt to conceal or ignore the embarrassment of the equivocal position. "From the rank and station I am in, and from my connection with the Commons' House of Assembly, I may be presumed," he said, "to be under some bias and prepossession in favor of that House and its privileges. I confess I am so, but I trust it is no undue bias or prepossession, no propensity to exclude from any other body of men, or any other part of the community, any rights, privileges, or immunities whatever to which they may on a fair inquiry be found to be entitled. It was insisted, however, that I should grant the *habeas corpus*,— that it was a right,— and it would very ill have become one to have been disobedient to so good and salutary a law, although it had not been enforced with penal sanctions, as it has, to secure its execution." Having thus justified himself in sitting in a case which indeed, as he intimated, he was bound under penalty to

do if the case had been brought before him purely in his judicial character, he proceeded to announce a clear, calm, and very able opinion, following in the main the line of Mr. Rutledge's argument, and concluding: —

"The commitment, therefore, in my opinion, is to be considered merely as the commitment of the Privy Council. And in that case it has no other authority than if done by a private magistrate. The subject has his remedy by *habeas corpus* in this case; and we are to consider whether the matter charged is an offence at law, and if an offence, whether it is bailable or not.

"And I am of opinion that it is no offence at law; that the paper referred to in the commitment, being a protest from two members of Council against the proceedings of that board in a certain matter depending before the Council, and required by one of its members to be printed by the prisoner, might lawfully, legally, and warrantably be printed by the prisoner in the way of his profession. The more especially as it was unaccompanied with any remarks, observations, or additions of his own, but simply and literally, as it was received by the prisoner from one of the members of the Council. And it is not clear to me that even the House of Lords would include such a paper under the general idea of proceedings of the House for the which they would punish a printer who published it. I am of opinion, therefore, for ordering the prisoner released."

The Council thus defeated, and their arrogant assumption rebuked, turned upon Mr. Drayton, their member, whose conduct had provoked them to take so false a step, and resolved that the protest entered in the journal, and which had been published, was false and scandalous. But this was surely an afterthought; for, if so, why had they allowed it to be spread on the journal in the first

instance? The Council also applied to the Commons' House for redress against Mr. Lowndes and Mr. Powell, their members; but the House of Assembly, instead of complying with this requisition, avowed the doctrines which the Justices had promulgated, returned the thanks of the House to them for the same, requested the Governor to suspend the members of the Council who had voted the commitment, and finally addressed his Majesty for their removal. Upon this the Council, finding their legislative authority and privilege so openly and directly attacked, lost no time in forwarding an address to the Throne on the subject; and the Assembly, nothing backward, also forwarded their complaints to the King to be presented to his Majesty by Mr. Garth, their agent. The controversy, thus removed to London, was continued there. Sir Egerton Leigh published a pamphlet entitled *Considerations on Certain Political Transactions of the Province of South Carolina*, which was answered by another, bearing strongly the impress of William Henry Drayton, which charged that the Council would never have been capable of such conduct but for the advice of one of the worst and most abandoned of men. "Is it the Baronet's idea," asks the writer, "that the Press is to be only a vehicle for falsehood and abuse against the Assembly of the people? But when the proceedings of the Council are in question, then must the seal of silence under the law of imprisonment be fixed upon it!"

The answer of Mr. Garth, the agent, to the Commons' House upon the subject of their petition to the King was not received until March, 1774. In his letter Mr. Garth informed the Assembly that, having noticed that the Council had sent an address to the King touching the discharge of the printer, he had waited on Lord Dartmouth to acquaint him with the orders he had received

and to desire that the Council's address might not be presented until he could prepare a petition to the King on the part of the Commons, so that the whole affair might be under consideration at the same time; that Lord Dartmouth had intimated to him that if the petition would be formed upon the principle that the Council was not an *Upper House* and *a branch of the legislature*, no proceedings would be had upon it, as his Majesty's Council could not admit that the established constitution of the colony should be brought in question. Mr. Garth wrote that he had applied to Mr. Dunning, who thought it would be difficult to maintain that the Council was not an Upper House; yet it did not follow that the privilege claimed by them of committing for contempt was incidental, and that he thought the exercise of the power in question unwarranted. By the same packet which brought Mr. Garth's letter to the Commons, Lord Dartmouth advised the Lieutenant Governor that the King's final determination would be sent over in the February packet. But the matter was overlooked by the minister amidst the hurry of providing against transactions in other parts of America of far greater importance, and which were so to involve the province of South Carolina as to supersede the necessity of a decision upon these questions.

CHAPTER XXXVIII

1773–74

We have seen that the non-importation agreement had broken down by its own inherent weakness throughout the colonies, and was finally abandoned in this province at the meeting under the Liberty Tree on the 13th of December, 1770. It had not, however, been altogether in vain; it had induced the King to relax his measures, and the duties which had been imposed upon glass, red lead, and other articles were repealed, excepting that laid on the importation of tea, which had been retained as an assertion of the right, while Parliament admitted the impolicy of its enforcement. Against this assertion of right on the part of the government, effort had been made to continue the agreement, but had failed. The disaffection in South Carolina might have ended here had it not been fermented by other causes peculiar to this province. His Excellency, Lord Charles Greville Montagu, had returned to the province from his visit to England in an ill humor, grumbling about his accommodation in Charlestown, calling the General Assembly to Beaufort, and then returning them immediately to Charlestown, and dissolving them upon a foolish quarrel with the Speaker about the journal before any business had been transacted.

Then the stipendiary councillors — small placemen excepting their positions as crumbs from the table of the Board of Trade — had, under the lead of Sir Egerton Leigh, endeavored to demonstrate their subserviency by a con-

troversy with the Commons, while themselves assuming the importance of a House of Peers. The colony had been put to the expense of buying out Mr. Cumberland, in order to have the privilege of enlarging the judicial system so as to meet the demands of the growing population. Then the young men, returning from the Universities in England, found all the places of honor or profit filled by ignorant and often worthless and sometimes vulgar favorites of ministers. These causes of discontent were all at work raising up a strong party and sentiment against the distant government of the mother country.

On the 10th of May, 1773, an act of Parliament received the Royal assent, allowing a drawback of duties on the exportation of tea to any of the colonies in America, to enable the East India Company to export tea duty free. The East India Company thereupon prepared to send large consignments to the colonies. Three ships laden with tea arrived in Boston harbor, but were not suffered to land, and, as is well known, were boarded by citizens from the town, and three hundred and forty chests were emptied into the waves. Not long after this, the ship *London*, Captain Alexander Curling, Master, arrived in Charlestown, having on board two hundred and fifty-seven chests shipped by the East India Company. Upon this a general meeting of the inhabitants of the town was called two days after, and it was claimed that at this meeting it had been determined that teas made subject to duty should not be imported; but this was denied, and the people were again convened on the 17th of December for the purpose of ascertaining what was the real public opinion in a matter of so much consequence. After much debate at this second meeting, it was carried "that tea ought not to be landed, received, or vended in this

colony, and that no teas ought to be imported by any person whatever while the act imposing the unconstitutional duty remained unrepealed." When notified of this resolution, the consignees agreed not to accept of the consignment nor to interfere in any shape with the tea.

But the matter was not so easily adjusted; still another meeting was called that the sense of the community might be better ascertained, and that if the refusal to receive the tea should be persisted in, a general agreement might be formed on the subject. This would have been but a renewal of the non-importation agreement, which had already been tried and found inefficacious. But it now transpired that the opposers of the administration were not all united on this question. Many of them were of opinion that the East India Company was nothing more than a private merchant, and that no distinction should be taken in their case, nor exception to the landing of their tea, as none had been taken to landing consignments of that article from private merchants in London since the "breaking through" of the non-importation agreement three years before. They pointed out that on the very day when the first meeting took place, parcels of tea were landed as well from Captain Curling's ship as from two other vessels which were the property of private importers; that the duties had been paid on them, and that the teas had even passed by that very meeting of the people in their conveyance to their respective owners. Many desired delay, at least until they could receive accounts of the action of other colonies on the subject. In the meanwhile anonymous letters were sent to Captain Curling, threatening to fire his ship, the *London*, unless she were moved from the wharf. Others were sent to the owners of the wharf at which the *London* lay, threatening to fire it unless the ship was obliged to quit the wharf; and

others were sent to masters of vessels lying near, warning them of their danger in lying contiguous to a ship containing so odious a cargo. These letters gave much alarm to those concerned, and they laid them before the Lieutenant Governor. The Collector also applied to him for protection in the execution of his duty, stating that in a few days he should be obliged to seize the teas, unless before that time the duties should be paid.

This was a trying occasion to Lieutenant Governor Bull. On the one hand, his duty imperiously called on him to support the Collector in carrying into execution the act of Parliament respecting the duties on the tea; while on the other, he well knew the hostile opinion of the people on the subject, and that the ministry had furnished him with no means of supporting his authority. The only thing which the Governor could do in this emergency was to convene his Council, which he did on the 31st of December, 1773. Sir Egerton Leigh, Attorney General, John Drayton, and Chief Justice Gordon attended, but all that they could advise was that the sheriff and peace officers should be notified to be in readiness to preserve the peace when the Collector should seize the tea. This notification was accordingly issued, and the Collector succeeded at an early hour some days afterward in seizing and landing the tea without any opposition, and storing it in vaults under the exchange, scarce any persons being present, as it was not supposed the seizure and landing would have taken place before noon.

The meeting of the people respecting the tea had been adjourned to the seventh day of January, 1774, at which time some of the principal opposers of its landing attended. The public mind, however, had meanwhile cooled, and very few persons were present. It was therefore adjourned for

a fortnight, in the hope that the approaching session of the General Assembly might bring many to Charlestown who would afford aid on the occasion.

The Lieutenant Governor, however, thought proper to prorogue the Assembly to the 1st of March, and the people, watching the executive measures, adjourned their meeting likewise to the third day of the same month. The General Assembly was allowed to meet at this time, but no meeting of the citizens took place, though the mechanics were as busy as ever. They seem now to have given up the shade of the Liberty Tree for their rendezvous. A printed slip, dated March 15, called a rally of them in the lodge-room, in Lodge Alley, at seven o'clock in the evening; for upon the present conduct, it declared, depends whether they shall in future be taxed by any other than representatives of their own choice, and whether the hitherto respectable province shall preserve its reputation or sink into great contempt.

But the leaders of the people had other more important measures in hand than these chests of tea which had already been deposited in the vaults of the custom-house, about which they were themselves divided. The Commons seized upon the obstruction to a tax bill which the "Additional Instruction" imposed, and with the terms of which they would not comply, to adopt a fiscal measure which was to add vastly to their power and influence, and correspondingly to diminish the importance of the Council. This was accomplished under the specious guise of furnishing relief to the public creditors, who had not been paid from 1769. By resolutions of the House they provided for the payment of these debts with interest to the 1st of January, 1773. The scheme was this: the Clerk of the Commons' House was required to issue to such of the public creditors as should demand them cer-

tificates for any sums within the amounts of their respective liquidated accounts. These certificates stated the sum in each allowed, and declared that public provision would be made for its payment. They were countersigned by five members of the House, appointed for the purpose.

Such an act of justice to public creditors, who had for years waited a settlement of their claims to unsuspecting individuals, says Drayton in his Memoirs, would have presented to view nothing more than an honest and necessary use of legislative power. But the fact was, the Commons had now a further object in view. They aimed at an emission of about £200,000 as a circulating medium. The necessities of the times greatly favored this fiscal operation. There was no prospect that the public debts would be discharged by a regular tax bill, and the Treasury, on calling in the public duties, had well-nigh drawn in all the circulating money. The little remaining currency with the utmost difficulty kept the commercial wheel in motion. All these causes combining, placed the Commons in a situation that, if they could offer the public anything which bore the appearance of paper money, it was scarcely possible they could miss their aim of showing to the Crown of how little importance the "Additional Instruction" had become, and that by a measure the more alarming to the Crown, as thereby the Commons of their own authority created and issued what served all the purposes of money.

Having so planned and adjusted this very important measure, the Commons, by a message to the Lieutenant Governor the next day, stated they had finally arranged the public accounts, and complained in severe terms of the Council for having so long obstructed the passing of tax bills in the usual way. They informed his Honor

that by the measures they had taken it was now unnecessary to prepare a tax bill. Then they went on to say, that should his Honor be pleased to consider by what number and kind of men a stop had been put to public business for many years in the colony, they being persons most of whom were exclusively supported by the offices which they held, and that even at the will of the ministry, unconnected also with the colony either by birth or property, his Honor would have great reason to admire the loyalty of the people, which even gross insults, added to the most malignant injuries, had not been able to shake. That to prevent as much as they were able the absolute ruin of many creditors, they had ordered certificates of their liquidated claims to be issued to each person requiring them; and they concluded that, as at present they could not do any other act conducing to the public good, they desired leave to adjourn.

All this was very fine, and that part in regard to the councillors was very true; but what had called forth this "Additional Instruction" but their own improper subversion of the public funds to the support of a disreputable private individual with whom the province had no concern? On the other hand, what could the Council say or do? It was true that they were nearly all petty foreign placemen and intruders in the colony. They were fully aware of the consequences to which this measure might lead, but they could do nothing more than pass a resolution censuring it as being unprecedented and unparliamentary, as depending only on the faith of one branch of the legislature.

On the 26th of March Lieutenant Governor Bull returned answer to the message from the Commons. He was silent as to their complaint against the Council and the measure of issuing the certificates, but he complied

with their wish to adjourn; he did not, however, think the situation of affairs would permit a long recess. He allowed them therefore to adjourn to the 3d of May. And now, says Drayton, the Commons in private labored to bring to maturity the measure which, in their public character, they devised. They were aware its success in a great degree depended upon the mercantile members of the community, and they consequently made application to the Chamber of Commerce, which body desired time to consider a proposition of such importance. The public was much excited, as the measure was sudden and unlooked for, it having been the work of but three or four days. Its immediate utility alone caught the eyes and senses of the mass of the people; but careful observers did not fail to see its tendency to diminish the powers and consequence of the Council, while in the same degree it increased those of the Commons. They could not fail to observe how nearly the measure approached that of the Long Parliament in the year 1642, when of its own authority orders were passed for bringing in money and plate, whose value should be replaced with eight per cent interest, and for which they engaged the public faith. The measure in effect created and issued money without the consent of the Crown, than which nothing was more irreconcilable to the principles of the British Constitution or injurious to the Royal prerogative. But whatever men thought of the certificates, the necessity of the times was so urgent that the Chamber of Commerce agreed to receive them in payment, and they immediately went into general circulation. At first, indeed, they were received under apprehensions which rendered each person unwilling to keep them by him, and caused him to pass them away as soon as possible; but greater confidence soon ensued, and the certificates became a medium of general convenience.

No public creditor refused to receive them from the Clerk but Lieutenant Governor Bull, who thought he owed that much self-denial to his public station. The most happy effects were produced, and the whole community was greatly accommodated by the seasonable relief they afforded.

But now accounts arrived from England that on the 7th of March Lord North had delivered to the House of Commons a message from the King relating to the disturbances in Boston, and that he had brought in a bill to remove the custom-house from Boston and to discontinue the landing and discharging, lading or shipping, any goods at that port or harbor. The accounts also advised that the act was to be enforced by a squadron of men-of-war and a body of troops.

It is worth the interruption of the narrative of these stirring events at home to refer to the fact that the few Americans who were then in London — some of them young men who had just finished their education and were about to return to their native country — presented by the hands of Lord Shelburne a petition to the House of Commons against the Boston Port Bill, and a memorial to the King, the latter concluding with this appeal to his Majesty: "Your petitioners and their countrymen have been ever most zealously attached to your Majesty's person and family. It is therefore with inexpressible affliction that they see an attempt in these proceedings against them to change the principle of obedience to the government from love of the subject toward their sovereign, founded on the opinion of his wisdom, justice, and benevolence, into the dread of absolute power and laws of extreme rigor insupportable to a free people. Should the bills above mentioned receive your Royal sanction, your Majesty's faithful subjects will be overwhelmed with

grief and despair." The petition was signed by thirty Americans, fifteen of whom were from South Carolina.[1]

These proceedings of the British Parliament threw the inhabitants of Boston into the greatest consternation. Town meetings were called to deliberate on the alarming state of public affairs. At one of them, on May 13, 1774, an appeal was made to the other colonies to stop all importation from Great Britain and the West Indies until the blockade of Boston harbor should be repealed. A copy of this vote as it was termed was immediately sent to the other provinces, and upon its arrival it was presented to a number of the principal gentlemen in Charlestown. These gentlemen called a meeting of the inhabitants of the town, which took place at the tavern at the corner of Broad and Church streets, which had been Mr. Dillon's, and was now known as the "City Tavern" or "The Corner." At this meeting it was determined to request a meeting of the inhabitants of the province generally, to be holden in Charlestown on the 6th of July, and circular letters were sent by express to every parish and to the more distant parts of the province, addressed to such men, it was said, as were of principal influence. Those letters stated the blockade of Boston, urged opposition to that measure, and recommended a meeting of the landholders in the different parishes to deliver their sentiments and to appoint delegates to act for them in the approaching

[1] Stephen Sayre, William Lee, Arthur Lee, Edmond Jennings, Joshua Johnson, Daniel Bowley, Benjamin Franklin, Thomas Buston, Edward Bancroft, Thomas Bromfield, John Boylston, John Ellis, John Williams, John Allyne, *Ralph Izard*, *William H. Gibbes*, *William Blake*, *Isaac Motte*, *Henry Laurence* (Laurens), *Thomas Pinckney*, *Jacob Read*, *John F. Grimke*, *Philip Neyle*, *Edward Fenwicke*, *Edward Fenwicke*, *Jr.*, *John Peronneau*, *William Middleton*, *William Middleton*, *Jr.*, *Ralph Izard*, *Jr.*, and *William Heyward*. Those marked in italics were from South Carolina. *Memoirs of the Revolution* (Drayton), vol. I, 110.

general meeting. In his Memoirs, Mr. Drayton says that this was the first attempt to collect a meeting of the people on so constitutional a principle; and as all new attempts are imperfect, so was this. The people were at liberty to elect as many deputies as they pleased. In some parishes large numbers were chosen, while St. Andrew's Parish elected none, as its white men being few and near the town, most of them desired to attend personally. The *South Carolina Gazette* of the 11th of July states that in consequence of the advertisements of the committee, and other means used by them to obtain the sense of the whole colony, the meeting on the 6th, which was held under the Exchange, was the *Largest Body* of the most *Respectable Inhabitants* that had ever been seen together upon any public occasion here, or perhaps in America; for gentlemen of the greatest property and character, animated with ardent zeal to relieve their suffering brethren and preserve their own freedom, notwithstanding the extreme inconvenience of the season, attended from even the remotest parts of the country. Drayton says that one hundred and four deputies represented all parts of the colony except *Greenville County*, St. John's, Colleton, and Christ Church parishes, which were without delegations; but this statement is somewhat of an anachronism, inasmuch as Greenville County was not established until 1785, two years after the Revolution. Colonel George Gabriel Powell, the Assistant Judge who had taken part with Rawlins Lowndes in discharging the printer arrested by the Council, and who attended as a representative of St. David's Parish, took the chair. The first action taken by the convention abandoned entirely its representative character; for it was determined that the votes should be given by each person present and not by parishes, and "that whoever came

there might give his vote." This gave the whole power to the mechanics in Charlestown and their friends of the moving party, who could now crowd in and vote down any opposition. But notwithstanding this, the moderate party made a struggle.

The business of the day was opened with reading the communications from the northern colonies. Then resolutions touching American rights and grievances were adopted. These declared: That his Majesty's subjects in North America owe the same allegiance to the Crown of Great Britain as is due from his subjects born within that kingdom. That the King's subjects in America are entitled to all the inherent rights and liberties enjoyed by natural-born subjects within the Kingdom of Great Britain. That taxes should not be imposed on the people but by their own consent, given personally or by their representatives. That all trials for any crime whatever committed and done in the colony ought to be had and conducted in the colony, according to the fixed and known course of proceeding. That the statute of 35 Henry VIII, chap. 2, entitled, "An act for the trial of Treasons committed out of the King's Dominions," does not and cannot extend to any crimes committed in any of his Majesty's colonies. That the three late acts of Parliament relative to Boston are of the most alarming nature to all his Majesty's subjects in America, and, although levelled at the people of Boston, they glaringly show if the inhabitants of that town are intimidated into a mean submission to those acts, the like are designed for all the colonies, when not even the shadow of liberty to his person or of security to his property will be left to any of his Majesty's subjects residing on the American continent. Wherefore every justifiable means ought to be tried to procure a repeal of those acts immedi-

ately relative to Boston, and also all others affecting the constitutional rights and liberties of America in general.

To effect these great points, says Drayton, two measures were proposed: (1) to adopt the Boston vote of the 13th of May; and (2) to send deputies to a General Congress. The discussion developed great differences of opinion. All parties agreed on the proposition of sending deputies; but the Boston vote did not meet so universal a support. This last measure therefore was first taken up and considered.

In favor of the Boston vote it was urged that American lives and property were exposed to be taken at the mandate of a British minister; that the men would be exposed to slavery, their wives and daughters to the outrages of a soldiery. To avert these dangers something vigorous was to be done; something that might shake even Majesty itself. That a measure of non-exportation and non-importation seemed, above all others, best calculated to force a repeal of the late acts. It was a constitutional measure. For what power had a right to compel the people to grow, export, and sell commodities of any kind, or to purchase or import commodities from any State? That such a measure taking place in America would ruin the British trade to those dominions, and thereby shake the firmness of Parliament. That should the measure not be adopted, the colonies by their importations would preserve to the British manufacturers that support which they had been accustomed to receive from American trade, whereby they would be supine and not join the American demand for a repeal. In addition to this, the remittances from the colonies would enable the people of England to employ those means to assist them in enslaving the colonies; whereas, being withholden, the national credit of Great Britain would be

shaken, and the measures of administration be infinitely embarrassed.

How the men of Carolina were to be saved from slavery, and the women from outrage, and Majesty itself shaken, by so simple and peaceful a measure as non-intercourse was not explained, as far as the reports of the debates have reached us. Nor did the advocates of the measure suggest any means whereby such an agreement, which had been already tried, and which had failed, in 1770, could now be better enforced. Nor could they give any guarantee that it would not be broken by the other colonies and South Carolina be again left alone, the only colony attempting to enforce it. Where was the protest which John Rutledge, Peter Manigault, Charles Pinckney, and John McKenzie had been appointed by the last meeting under the Liberty Tree to prepare, protesting against the northern colonies for deserting the people of Carolina in the measure undertaken in their behalf and upon their invitation? What new argument was now advanced to induce another effort in this direction?

Against this proposition from Boston, Mr. Drayton says, it was therefore answered that such a measure ought not to take place until all others had failed of success; for its operation would be violent both among ourselves and the people of England. That thousands in this colony would be ruined by it. That the people in the interior were averse to so harsh a measure; neither was it certain whether united America would approve and support it. That nothing less than unanimity among all the colonies in executing one plan of conduct could affect measures in Great Britain; and as the general opinion seemed to point to a General Congress, so only in that Congress could such a plan of conduct be formed and agreed upon.

The debate was warm, and without coming to any determination the subject was dropped, and the meeting turned their attention to consider the proposal of sending deputies to the intended Congress. Here another warm debate arose as to the number of deputies who should be appointed, and the powers with which they should be invested. Without coming to any conclusion on these points, the meeting took a recess to an hour in the afternoon.

In the afternoon the meeting again convened to determine on the points they were considering; when by a majority of eleven, says Mr. Drayton, it was carried that there should be five deputies, and that they should have unlimited powers; but it appears this vote was subject to a reconsideration.

The next day, the 7th of July, the convention again met, and the measures of non-exportation and non-importation were again warmly debated. It was urged that before the measure should be adopted the General Congress ought to send a deputation with a petition and remonstrance to the Throne, and if, after that, America remained unredressed, it would be time enough to break off all commerce with Great Britain. A vote was then taken, and the proposition of non-exportation and non-importation was rejected. The people had no idea of renewing the experiment of 1769–70.

The debate on the powers of the deputies was then again renewed. Mr. Rawlins Lowndes, who was then the Speaker of the Commons' House, broached the subject which was the main cause of the hesitancy of very many of those who were in earnest in their opposition to the government and determined supporters of the principle of no taxation without representation, — and that was the apprehension that the real purpose and design of New England was for a dissolution of the relations between the

colonies and the mother country. There doubtless existed thoughout the colonies, says Mr. Drayton, an opinion that Massachusetts gentlemen, and especially those of Boston, affected to dictate and take the lead in continental measures; but while this jealousy was no doubt a cause of reluctance in following their lead, the apprehension that they meditated the ulterior purpose of actual independence of Great Britain was a far more serious objection to committing this colony to a Congress to be controlled by New England influences. Upon this point Mr. Lowndes urged that it was well known that the New England colonies denied the superintending power of Parliament, a doctrine which he declared no one here admitted. He argued that unless the deputies from this colony appeared in Congress with limited powers, being outnumbered by the northern deputies, they, and consequently their constituents, would be bound by votes to principles which they absolutely denied. In this declaration, which Mr. Drayton admits was the prevailing opinion of the colony, Mr. Lowndes predicted exactly what actually happened. For, as we shall see, the South Carolina delegation, though purposely unauthorized to join in any act of independence, after at first, with Pennsylvania, voting against the Declaration of Independence, were persuaded into signing it, though disapproving its adoption.

But we anticipate. It was then resolved that five deputies should by ballot be elected on the part and behalf of the colony, to meet the deputies of the other colonies of North America in General Congress, the first Monday in September next, at Philadelphia, or at any other time and place that may be generally agreed upon, with full power and authority in behalf of them and their constituents, "*to concert, agree to, and effectually prosecute such legal measures as in the opinion of those deputies, and*

of the deputies of the other colonies, should be most likely to obtain a repeal of the late acts of Parliament and a redress of American grievances."

This resolution constituting the authority of the deputies, it will be observed, was carefully worded so as to exclude the power to do anything more than to agree upon *legal measures . . . most likely to obtain a repeal of the objectionable acts.* The fight was to be made within the Kingdom of Great Britain. The people of Carolina were generally willing to resist and, if necessary, to fight as the Barons had for Magna Carta, and as the Parliamentarians had against the Stuarts; but it was to be a struggle within the Kingdom — such a struggle as that in which Pitt and the Whig Lords could lead them. They were still devoted to the mother country. They prided themselves upon being a part of it. It was a political struggle in English politics, in which they were willing to engage, as their ancestors before had often done, even to the extent of taking up arms; but this must all be done within the dominion of England. They abhorred the very idea of separation.

The Conservative party had thus, as they conceived, secured instructions to the deputies which would prevent the possibility of any action tending to a severance of the dependence of the colony upon the mother country, but they were not content with this; they now desired to secure the election of such gentlemen as deputies as were themselves in sympathy with their views. The Chamber of Commerce, which had lent such timely assistance to the Commons in their issue of the certificates, were now with equal spirit opposed to any measure of non-exportation or non-importation, and they desired such deputies elected as were against the adoption of that measure. All parties were agreed upon two out of the five to be

chosen. These were Henry Middleton and John Rutledge. The struggle was over the selection of the other three. The merchants made up a ticket consisting of Henry Middleton, John Rutledge, *Rawlins Lowndes*, *Charles Pinckney*, and *Miles Brewton*. The other party put up as their candidates, Henry Middleton, John Rutledge, *Christopher Gadsden*, *Thomas Lynch*, and *Edward Rutledge*. The merchants unwisely assembled and went to the polls as a body, carrying with them their clerks, to vote for Lowndes, Pinckney, and Brewton. Upon this the other party took the alarm, and ran to all parts of the town and, collecting the people, brought them to the polls. The result of the resolution of the convention that whoever came there might vote was, as we have pointed out, entirely to destroy whatever character it had as a representative body of the province, and to lower its proceedings to an irregular scramble for the votes of the people of the town. In this struggle, as might have been anticipated, the mechanics got the better of the merchants. Gadsden, Lynch, and Edward Rutledge were declared elected. Edward Rutledge, in a letter to Ralph Izard, says his party was elected by a great majority, — three hundred and ninety-seven.[1] The convention proper was composed, as we have seen, of but one hundred and four members.

The next day, July 8, the meeting again assembled. They now resolved that a committee of ninety-nine persons be appointed to act as a general committee, and should continue in authority until the next general meeting. This committee was to have power to correspond with the committees of the other colonies and to do all other matters and things necessary for carrying the resolutions of the general meeting into execution. The gen-

[1] *Correspondence of Ralph Izard of South Carolina*, vol. I, 5.

eral meeting then proceeded to nominate the members of the general committee. They named fifteen mechanics and fifteen merchants to represent Charlestown and sixty-nine planters to represent the other parts of the province. Their proceeding, Mr. Drayton mildly observes, was rather unconstitutional, as the different districts and parishes did not choose the sixty-nine planters who were to represent them. They however, he says, acquiesced in the nomination, being sensible it proceeded from the best intentions and the urgency of the occasion. But mere apparent acquiescence was not what was wanted in a revolutionary party; active coöperation was necessary. This assumption on the part of this body, controlled as it was not only by the influence, but actually by the votes, of the town, was not likely to win to its cause the people of the interior, who were opposed to the whole movement, and whose opposition was in a great measure owing to their jealousy of the very influence which thus dominated the convention. The acquiescence of which Mr. Drayton speaks was in many instances mere sullen silence.

The general meeting having thus brought matters to a conclusion, and Colonel Powell, their chairman, having prepared minutes of their proceedings, was dissolved.

While this Congress had failed to adopt the suggestion of the Boston vote to come into a joint resolution to stop all importation and exportation, South Carolina was the first to minister to the needs of the town, sending early in June two hundred barrels of rice, and promising eight hundred more — a promise which was more than fulfilled. A committee of the most prominent citizens voluntarily undertook the collection of contributions in money and in supplies for the relief of the blockaded port; and by an account published by the committee appointed by the town of Boston to receive the donations of the sister colo-

nies, July 18, 1778, it appears that the donations from South Carolina exceeded, both in money and supplies, any other colony, not excepting Massachusetts itself, — Massachusetts Bay contributing in money £2213 8*s*. $0\frac{1}{4}d$. and South Carolina, cash £1403 12*s*. $3\frac{3}{4}d$., and proceeds of sale of rice in New York realizing £1304 19*s*. $0\frac{3}{4}d$., in money £2708 11*s*. $4\frac{1}{2}d$., and 331 casks of rice. The general committee in Charlestown reported on the 26th of April, 1775, the amount contributed as £3300 remitted in cash, and 80 barrels of rice.[1]

[1] *Memoirs of the Revolution* (Drayton), vol. I, 226.

The author is indebted to Mr. Theodore Dehon Trapier for a copy of one of the subscription lists made at this time. It is of sufficient interest to be appended in full. It is as follows: —

The Port of Boston having been Blocked up since the first of June last by a fleet of British men of war, which Hostile Invasion has wholly stoped the great and Extensive Trade that for more than a century past has been carried on from thence, to the great damage and distress of the Inhabitants of the Town of Boston, particularly of those whose daily support depended on the Business occasioned by the numerous shipping employed in their commerce. We the subscribers taking into our consideration the Melancholy situation and distress of the said Inhabitants, and being willing to contribute to the relief of our Bretheren whose only crime is their endeavour to frustrate the arbitrary and oppressive measures of the British ministry and parliament manifestly tending to deprive the Americans of their liberty, have paid into the hands of the respective sums affixed to our names to be remitted to Boston in the speediest and most Effectual manner for answering the Salutary purposes hereby intended.

Paul Trapier	£50. paid	John Allston	£50.
Jno Withers	£30.	Pet. Lessesne	£5. pd
Benj Huger	£50.	Josias Allston	£10. paid
P Trapier Jr.	£50.	Fran^{s} Allston	£10. paid.
George Pawley.	£10. paid	Tomas Hasell	£20. —
Benj Young	£25. pd.	Thomas Godfrey	£30. paid.
W^{m} Alston Jn^{r}	£30. paid	Tho^{s} Butler	£20. paid
W^{m} Pawley	£20. pd.	Benj^{n} Scriven	£20.
Tho^{s} Hennery	£20. —	Benj Trapier	£35. paid
Joseph Allston	£50.	Nath^{l} Dwight	£10. pd

Samuel Clyf	£20. paid	Robert Hariot	£25. paid
Alex^{r} M. Foster	£13. pd.	Henry Futhy	£20.
Hugh Horry	£20. pd	Jams Gordon	£20.
Alex Buchanan	£20.	Anthony Bouneau.	Twenty pounds. paid
Pet^{r} Simons	£20. pd	Arth^{r} White, Sr.	Thirteen pounds, paid.
Thomas Wright	£10. paid	John Pyatt	£13. pd.
W^{m} Cuttino	£7. 7. paid	Anth^{n} Mitchell	£16. paid
S. Wragg.	Thirty pounds	Samuel Smith.	Twenty pounds.

Rec^{d} the 6th July 1774. by the Hands of Paul Trapier, Jun^{r}. Esq. Seven hundred & thirty two Pounds 5/. On acct. of the above subscription for the People of Boston.

CHRIST. GADSDEN.

CHAPTER XXXIX

1774–75

At the request of the Commons' House, Lieutenant Governor Bull had allowed them to adjourn from the 26th of March, 1774, to the 3d of May; but when that day arrived he had not permitted them to meet. He had prorogued them from time to time, and last to the 2d of August. The Commons were now as anxious to meet as they had before been to adjourn, for they had a scheme to carry out which required a legal House. They wished to provide for the expenses of the deputies to the General Congress at Philadelphia out of the public treasury and to give the sanction of the Commons' House to their appointment. It was expected that another prorogation would take place, and it was with great surprise and joy that the day came without a proclamation to that effect. In pursuance of a secret understanding the members were all on hand and met at eight o'clock in the morning instead of waiting till ten or eleven as usual. The House at once organized and appointed Messrs. Heyward and Cattell to wait on the Lieutenant Governor and inform his Honor that the House had met. On their return Mr. Heyward reported that Mr. Cattell and himself had waited on the Lieutenant Governor with the message they had in charge, and that his Honor was pleased to say he would be in the Council Chamber immediately when he would send a message to the House.

The members of the House now availed themselves of

the opportunity they had hoped for rather than expected, and all matters having been prepared Colonel Powell, chairman of the late general meeting, requested attention to a subject of importance with which he was charged. He then gave a short account of the proceeding of the general meeting on the 6th, 7th, and 8th of July, and of the appointment of the deputies on the part of this colony to meet the deputies of the other colonies of North America in General Congress in September at Philadelphia; and thereupon moved that this House do recognize, ratify, and confirm the appointment of the deputies for the purposes mentioned, and that the House provide a sum, not exceeding £1500 sterling, to defray the expenses which the deputies would be at on the said service. These resolutions were unanimously adopted, and it was resolved that the House would make provision to pay with interest any person who would advance that sum to the deputies. The House then sent another message about Indian affairs and other matters of ordinary legislation to the Lieutenant Governor; and had scarcely done so before a message was received from his Honor requiring their attendance in the Council Chamber. But the Lieutenant Governor was too late. The Commons had been too quick for him.

It was indeed charged by some that Governor Bull had connived at the conduct of the Representatives; but as Mr. Drayton says, William Bull was above any such artifice. He had been misled by Mr. Wragg, in whom he had great confidence and who from over-caution had advised him that personal prorogation was preferable to one by proclamation as being at once more regular and more constitutional; and without anticipating any such action on the part of the House he had expected to have had full time to have prorogued them in person before they could transact any business. This he was the more anxious to

do as Lord William Campbell, the newly appointed Governor, was expected shortly to arrive, and Governor Bull was endeavoring to keep affairs as quiet as possible that his Lordship might enter upon a new administration with every advantage, untrammelled by a quarrel with the Representatives which he knew would certainly have arisen had they been permitted to sit and discuss the late proceedings of Parliament. An old matter of form contributed to the success of the Commons and the discomfiture of his Honor. The Governor and Council, it will be remembered, constituted the Court of Chancery, and it had become a part of the official ceremony that all communications from the Governor to the Commons' House should be made by the Master in Chancery, and all communications from the Commons to the Governor or Council by two of its members. When therefore the Lieutenant Governor, who was still in bed, heard of the Commons assembling at this unexpected hour, he sent at once for the Master in Chancery, but before his Honor could put on his clothes and have the attendance of the Master to carry his message, and secure the presence of two of his Council to represent the Upper House, the presence of which was also proper in receiving the Commons, the Commons had carried out their purpose. When all the necessary formalities had been complied with the Lieutenant Governor prorogued the Assembly to the 6th of September.[1]

But after all what had been accomplished by the Commons? This House was the same which had been quarrelling over the remittance to Wilkes, and the Additional Instruction, and the arrest of Powell the printer, and they brought no new strength to the moving party. There was no one in it from beyond the parishes. Patrick Calhoun was not now a member from Prince William's,

[1] *Memoirs of the Revolution* (Drayton), vol. I, 124–140.

and the upper country, the coöperation of which was so essential to any action in the name of the province, was without representation, though this section now contained a far larger white population than the lower.

Upon the death of Assistant Judge Murray, his Majesty's Council found difficulty in securing the services of a gentleman of proper mark and character to take his place in consequence of the inadequacy of the inducement, and the probability that if one accepted the position he would be superseded by some stranger from England. In this dilemma William Henry Drayton volunteered to serve until some one should be appointed by the King. Possibly with the hope of giving employment to his restless energies, and committing him anew to the government to which he had recently indicated some disaffection, his offer was unanimously accepted by the Lieutenant Governor and Council. But if such were their motives, they soon found themselves grievously mistaken; for soon after the Congress met in Philadelphia, Mr. Drayton again took up his pen, this time against the King. Though a member of the Council, and sitting as a judge under his Majesty's commission, he now wrote and published a political tract setting forth the American grievances, and presenting a bill of American rights.[1] This publication was signed as of old "*Freeman*," and is a striking illustration of what different views of freedom and liberty may be written with the same pen, and be maintained

[1] Gibbes's *Documentary Hist. 1764–76*, 11. Dr. Ramsay, in the second volume of his *Hist. of So. Ca.*, 455, in the life which he has written of William Henry Drayton, says: "In the year 1774 he wrote a pamphlet under the signature of 'Freeman,' which was addressed to the American Congress. In this he stated the grievances of America and drew up a Bill of *American Rights*. This was well received. It substantially chalked out the line of conduct adopted by Congress then in session."

under the same name. True, Mr. Drayton endeavored to forestall reflections upon his fickleness and unsteadiness, which would naturally be expressed, as he had written so warmly against popular measures, and was now as zealously writing against those of the administration. It was against the acts of Parliament, subsequent to the Stamp act, he persuaded himself that he had gone into opposition. These had all run counter to his ideas of the constitutional power of Parliament. The question now is not, he contended, whether Great Britain had a right to tax America against her consent, but whether she had a constitutional right to exercise despotism over America. But affairs he thought might yet be well. Our ancestors were often obliged to claim their rights, he said, where they were in danger of losing them. Let us follow, he urged, so successful an example. On this subject let the Americans address the throne with all due respect to Majesty, and at the same time with attention to their own dignity as freemen. Mr. Drayton then went on to set out a bill of rights which, it has been claimed, substantially marked out the line of conduct ultimately adopted by the Congress. But in doing this he could not maintain as he endeavored a consistency with his position in 1769. Before he got through this very able paper he entirely abandoned the position with which he set out, to wit, that the question was not whether Great Britain had a right to tax America against her consent. He finds that this is the very question, and most ably does he argue it. But how Christopher Gadsden must have chuckled at the complete conversion of that young gentleman, who was now so zealously advocating the cause which, five years before, he had charged him with demagoguery for supporting. If Christopher Gadsden was too generous, or too much of a patriot to resent

assistance, though it came from one who had been so offensive to him, there were others whom Mr. Drayton now offended, to whom there was no such compensation, and who were actuated by no such high sentiments.

Mr. Drayton in this paper gave the history of the court in which he himself was then for the time serving, from which we have quoted in a previous chapter, a representation which gave unpardonable offence to the other judges which constituted it. He showed, as we have seen, that while the bench had been filled with assistant judges, who were men of independence and property, serving the public without fee or reward, they had avoided issuing writs of assistance to the customs — a measure so abhorrent to the public. But that since, upon the establishment of the Circuit Court in 1769, salaries were given to the assistant judges, men from England, destitute of support in their own country, were appointed in the place of the colonial gentlemen who had been serving upon the bench, the court had become one subservient to the interest and demands of the Crown. This allusion was resented by the newly appointed assistant judges. The Chief Justice, Thomas Knox Gordon, and Charles Mathews Cosslett, one of the recently appointed assistant judges, presented a remonstrance to the Lieutenant Governor complaining of *Freeman's* publication, charging it to Mr. Drayton, and submitting to his Honor whether Mr. Drayton, who then held the appointment of one of the King's assistant judges, was a fit person to be continued in office. Lieutenant Governor Bull, from motives of delicacy from his relation to Mr. Drayton, would not act upon the matter, but laid the remonstrance before his Council, declaring that he would abide by their advice. The discussion was carried on by charges and counter charges, in which Mr. Drayton not only defended his own conduct, but brought into question

the legal competence of his accusers as evinced in their conduct and charges in open court.[1]

Pending this discussion the November term began, and Mr. Drayton set out upon the circuit, taking the northern circuit to Georgetown, Cheraws, and Camden. On this circuit Mr. Drayton delivered that memorable series of charges to the grand juries in vindication of their rights, both as American and British subjects, which produced so marked an effect upon the people. At Cheraws, the grand jury in response presented as a grievance of the first magnitude the right claimed by the British Parliament to tax the colonies. "The right of being exempted from all laws but those enacted with the consent of representation of their own election we deem so essential to our freedom and so engrafted in our constitution," continued the grand jury, "that we are determined to defend it at the hazard of our lives and fortunes; and we earnestly request that this presentment may be laid before our constitutional representatives, the Commons' House of Assembly of this colony, that it may be known how much we prize our freedom, and are determined to preserve it."

These charges of Mr. Drayton while on this circuit were beyond doubt of great influence upon the public mind at the time. How far they were consistent with Mr. Drayton's self-assumed position as an officer of the Crown is more questionable. But his career as a judge was short. He had scarcely left Charlestown when Mr. Gregory arrived from England to supersede him, and to supply the place of the late Judge Murray. A *supersedeas* was accordingly issued to Mr. Drayton's commission, and the necessity of a decision upon the Chief Justice's remonstrance thus avoided, no doubt to the great relief of the Lieutenant Governor, his uncle.[2]

[1] *Memoirs of the Revolution* (Drayton), vol. I, 150. [2] *Ibid.*, 152, 153.

The clergy of the Church of England in South Carolina generally took the side of the revolutionists, a fact of great significance in itself. But one of these, the Rev. John Bullman, who had come from England in 1770, and was now Assistant Minister of St. Michael's, boldly stood up for the King and his government. His case is interesting as showing how really divided were the people at this time, notwithstanding the appearance of unanimity in the revolutionary measures. Mr. Bullman preached a sermon Sunday, the 14th of August, 1774, upon the duty of Peacemaking, in which, denouncing "the pragmatical spirit" then prevalent, he used this language: "In short, it is from this unhappy temper that every idle projector, who perhaps cannot govern his own household, or pay the debts of his own creating, presumes he is qualified to dictate how the state should be governed, and to point out means of paying the debts of a nation. Hence, too, it is that every silly clown and illiterate mechanic will take upon him to censure the conduct of his Prince or Governor, and contribute as much as in him lies to create and ferment those misunderstandings which, being brooded by discontent and diffused through great multitudes, come at last to end in schisms in the church, and sedition and rebellion in the state; so great a matter doth a little fire kindle." Whether the pulpit was the place for such observations was at least questionable; but, in their spirit, they were no more objectionable than Mr. Drayton's onslaught upon Mr. Gadsden and the non-importers, in 1769, when he sneered at Mr. Gadsden's advising with men who knew no rules but how to cut up a beast to the best advantage, or to cobble an old shoe in the neatest manner; but now Mr. Drayton was consorting and advising with these very people whose fitness for political discussion he had so ridiculed five years before, and

who Mr. Bullman still thought were unfit to govern the country. But matters had advanced since that time, and the butchers and shoemakers, under Gadsden, had made themselves heard in the meetings under the Liberty Tree.

The vestry of St. Michael's represented to Mr. Bullman that his sermon was construed as a censure upon the popular proceedings, and had caused great irritation; but he refused to give any satisfaction, declaring that if his principles and conduct were disapproved, he was ready to leave the parish. A meeting of the parishioners was thereupon called, and the vestry put the question to it whether or not they approved Mr. Bullman's conduct? It was objected that this was not a fair way of submitting the question really at issue, for, while few men might approve of his course in this particular instance, all could give testimony to his general character as a moral man and edifying preacher. Sharp altercation ensued, and several moderate men in favor of Mr. Bullman quit the meeting. The question was then again put, with a cry, "Now we will see who are enemies to their country." Upon the vote being taken, it was found that thirty-three had voted in favor of Mr. Bullman and forty-two against him. The victory so obtained was received as a matter of triumph on the side of the people in favor of the American cause; and it was announced by a shout in the House of God. On the next day the vestry dismissed Mr. Bullman from his office. But this action created much uneasiness; a respectable party espoused his cause, and it was soon shown that Mr. Bullman was stronger than his vote at that boisterous meeting. Seventy-four of the parishioners addressed the vestry, urging his reinstatement. The vestry refused, and thereupon, curiously enough, the much-abused lay commission, which

had caused so much controversy in 1704,[1] was invoked for the second time in seventy years; but, upon this occasion, in defence of the clergyman as against his vestry. A memorial, signed by eighty-seven of the parishioners in behalf of Mr. Bullman against the vestry, was presented to the Lieutenant Governor, praying that the Board might be called together to examine into and decide upon the case. There was much excitement and violent agitation, each party espousing its side with great warmth. One declared that the assistant minister should be reinstated; the other that if he were he would be dragged out of the pulpit. The affair grew so serious that it was feared blows would ensue. In the meantime the church commissioners assembled to the number of ten, all who were then in the province. The other two commissioners, Thomas Lynch and Henry Middleton, were deputies at the General Congress. The Board attempted to supply the vacancies, and notifications were sent to the new members; but Colonel Charles Pinckney, one of them, declined taking his seat because the new nominations were not, in his opinion, warranted by law, they having been made by only ten commissioners, and the law requiring twelve at least. The Lieutenant Governor, although not convinced of the force of this objection, yet submitted to Colonel Pinckney's opinion without calling in the counsel who had been employed to draw the memorial and support it, and dismissed the Board as having no power to proceed to business until the return of the two members then at the Congress. An attempt was then made to have the act amended so as to allow the Board to fill the vacancies; but, upon one pretext or another, the matter was put off, until, finally giving rise to much debate, the bill amending the act was postponed for six months. Upon this, Mr.

[1] *History of So. Ca. under Prop. Gov.* (McCrady), 441–447.

Bullman sailed for England with the substantial testimonial, raised by forty-one of his parishioners, of £986 17*s.*, and a further testimonial of reverence and affection signed by eighty-one of them.[1]

A very curious feature about this proceeding is the fact that the act of 1704, which authorized the church commissioners to hear complaints and to adjudge differences between ministers and congregations, had been repealed as required by the Royal government and the Lords Proprietors. The act of 1706, under which the present church commissioners held their offices, gave no such powers; these powers related only to the taking of grants of lands for churches and churchyards, and the building of churches. It was the awakening to this, probably, that caused the abandonment of the attempt to secure a quorum of the commissioners.[2]

Some chests of tea had arrived shortly before this and had been deposited in the collector's store; but the people were now more prepared for vigorous measures. Seven more chests having since arrived, on the 3d of November, 1774, the merchants themselves and their agents, in the presence of the general committee, from the vessel then riding in the stream of Cooper River, threw all their contents into the water amidst the acclamations of the people who crowded the wharves on the occasion. A similar occurrence took place at Georgetown. There was no disguise, no need of disguise here; for the proprietors themselves joined in the destruction of the tea.

On the 6th of November the delegates to the General Congress returned, and two days after the general com-

[1] *Memoirs of the Revolution* (Drayton), vol. I, 142–144; Dalcho's *Church Hist.*, 200, 201.

[2] *Statutes of So. Ca.*, vol. II, 245, 281; *Ibid.*, 284, 285; *Hist. of So. Ca. under Prop. Gov.* (McCrady), 421, 442–444.

mittee in a body waited on them at the State House where the delegates informed the committee of the Congressional proceedings; and on the next day the delegates were honored by the general committee with an elegant entertainment.

CHAPTER XL

1775

The general committee which had been appointed by the meeting in July had practically assumed control of all public affairs. The committee was in fact the government of the colony. But, as we have seen, the meeting in July — a purely revolutionary body, which had been assembled at the call of private individuals, by circulars addressed to such persons as they selected, and in which there were few, if any, representatives of the upper part of the province — by its first action permitting votes to be given by each person present, and allowing whoever came to the meeting to vote, had lost whatever representative character it might first have claimed. The action of the body was subject to the influences of the contending local factions of the town, and was controlled not by the voices of its members, but by people collected from the streets and brought in by their leaders to vote. A body so constituted could not but be conscious of its own inherent weakness. It had no right to speak for the province. The general committee, therefore, were of opinion that the public union would be strengthened by having a better representation from every part of the province. But there was a practical difficulty in the way. There were no political divisions in the upper part of the province. The Circuit Court act of 1769 had prescribed circuits and precincts for judicial, but none for political, purposes, and these judicial divisions did not answer for political representation. We have seen that

the Calhouns and Williamson and others had petitioned the General Assembly for the division of that section into parishes, in conformity with those of the low country, but that in the quarrels with Lord Charles Greville Montagu, the Governor, this important measure had been overlooked, though Joseph Kershaw had reported from the committee to whom it had been referred, the urgent necessity for a compliance with the memorial in order to give the people of that part of the province the representation to which they were entitled by their great numbers. This wrong the general committee now undertook itself to redress, but it was a very delicate business in their hands. Owing their own appointment to a body controlled by the populace of Charlestown, what authority had they to prescribe the election districts in the interior? Who authorized them to say in what proportion the people in that part of the province should be represented? The committee, however, assumed the authority. They parcelled out the whole of the upper country into four large districts: (1) one between the Savannah and the Saluda rivers they called Ninety-six;[1] (2) the next was the district between the Saluda and the Broad; (3) the next between the Broad and the Catawba; and (4) the last, all east of the Catawba or the Wateree. To each of these districts the committee allotted ten representatives. This is the account which Moultrie gives of the action of the committee: —

"Colonel Geo. G. Powell in the chair of the committee, Colonel Charles Pinckney proposed to give thirty members to Charlestown, and then he said, 'Let the country take as many as they pleased,' upon which the country

[1] This name was taken from that of the post so called, which afterward became the village of Cambridge, and was so called because ninety-six miles from Fort Prince George, the frontier fort. Mills's *Statistics*, 350.

gentlemen,[1] talking over the matter, agreed that six members from each parish would be quite sufficient and as many as they could get conveniently to attend, except for the four large districts, viz. Ninety-six, between Broad and Saluda rivers, and Broad and Catawba rivers, and eastward of the Wateree River, should have ten members each. It was then resolved that Charlestown should have thirty members, and that each parish and district should send the proportion agreed upon to the Provincial Congress."

This is the manner, Moultrie says, in which the representation of the country was established at the Revolution, without respect to numbers or property. He was, he says, well acquainted with the circumstance, because he was present when it was agreed upon. It was thought politic and right, he observes, to give these large districts ten representatives, the better to unite them with the lower country, and as they contained a large extent of territory, and but few inhabitants, they should have a member for each part of their district, by which their constituents might be better informed about the nature of the dispute with Great Britain and America, which they could not know, being settled so far from the capital and from each other; by this mode the representation in the province was increased from forty-nine to one hundred and eighty-four; accordingly the general committee sent out writs for electing members, agreeably to the election law, to some influential gentlemen in every parish and district throughout the province for the representation elected to meet in Charlestown on the 11th of January, 1775.[2]

[1] That is, the gentlemen from the parishes. They were none, as far as we know, from the up country.

[2] *Memoirs of the Revolution* (Moultrie), vol. I, 12, 13; *Memoirs of the Revolution* (Drayton), vol. I, 154, 155.

It is curious that the general committee, composed as it was of the leading men in the low country, seemed not to realize the great tide of population which had set in behind them, and were not apparently aware of the report made by Mr. Kershaw in 1769, showing that the region which they were thus dividing into four election districts, with ten representatives each, giving them but forty out of one hundred and eighty-four representatives, then actually contained three-fourths of the people of the province. In some justification, however, of this unequal division of representation in the Congress, it must be remembered that the great bulk of the wealth of the province was at this time, and long after, continued in the parishes in the low country. To give the new-comers in the up country equal representation would therefore put the taxing power in that section, while the property to be taxed lay in the other.

Thus almost accidentally, and without any authority, nor with any intention of permanency, but as a mere temporary expedient, was implanted in the constitution of South Carolina a system of unequal representation, which was not until the constitution of 1895 wholly eradicated, and which has led to much unkind feeling and sectional jealousy. Its influence was most unfortunate, too, at this time, when it was so necessary to unite the whole people in one cause. Most unfortunate for the State was it that Mr. Kershaw's report recommending the division of the upper part of the province into parishes corresponding with the lower had not been immediately adopted and carried out. Their ecclesiastical character would have fallen, in the Revolution, with those on the coast, and the State, upon emerging after that struggle, would have had a system of small election districts at hand, with more equal representation.

Elections were held under the call of the general committee, but whether the people generally took part in them, we have no information. The writs of election, it will be observed, were sent to no officials, but to certain "influential gentlemen in every parish and district," and these "influential gentlemen" took care, no doubt, to see that only those were returned who were favorable to the cause. The *Gazettes* of the day, and Moultrie's Memoirs, furnish lists of those returned as elected.[1] It had not been unusual in South Carolina for a parish to elect as its representative in the Commons a person not resident within its limits. There was no requirement of the election law restricting representatives to be residents in the election precinct from which elected; nor is the practice without substantial advantages to recommend it.[2] Thus we have seen Isaac Mazyck was often returned as a member from several parishes at the same election; and so were such popular men as Christopher Gadsden and John Rutledge. The election, therefore, of low-country men for this Congress, as members for the upper-country districts, would not of itself have the same significance that such an occurrence would have to-day. But under all the circumstances of the time we cannot but look upon the appearance of such prominent low-country men as Edward Rutledge among those returned from Ninety-six, John Colcock and Rowland Rugely from the district between the Broad and Saluda, Henry Middleton from the district between the Broad and the Catawba, and William Henry Drayton from Saxe-Gotha, as somewhat the work of the "influential gentlemen" to whom the writs of election were sent. The other representatives

[1] See Appendix V.

[2] Professor Bryce's comments on the subject, *The American Commonwealth*, vol. I, chapter XIX, 186.

from these districts were almost exclusively the English Virginians who had recently come into the province. Thus the district between the Broad and the Catawba returned, besides Henry Middleton, John Chesnut, Benjamin Farrow, Thomas Taylor, Thomas Woodward, John Hopkins, Robert Goodwin, William Howell, and John Winn; that to the east of the Wateree, Thomas Sumter, Richard Richardson, Mathew Singleton, Robert Carter, Aron Locock, and William Wilson. There is a striking feature of these elections of great significance, and that is the conspicuous absence of the Scotch-Irish and German element. We recognize the names of none of the Scotch-Irish who filled that section of the province among those elected, except Patrick Calhoun and John Caldwell, who, if they attended, took no conspicuous part in the proceedings of the body. It is at least singular that we find, among the returned, none of the Brattons, McLures, Hills, Gastons, or Laceys, who so distinguished themselves when the war of the Revolution rolled back to the upper part of the State. There is not a single German elected from Saxe-Gotha or St. Mathew's or from the Dutch Fork. The inference is very strong that either the elections were so conducted as to allow no opportunity of the election of any of these people, or that they would take no part in the elections.

The representatives thus chosen appeared with great punctuality at the Exchange in Charlestown on the 11th of January, 1775, and immediately organized by choosing Charles Pinckney to be their President, and Peter Timothy, one of their representatives, their Secretary. They then adjourned to the Commons' House of Assembly and resolved themselves into a Provincial Congress.

The delegates to the Continental Congress had returned and were present. They were immediately questioned as

to the proceedings of that body. They were particularly asked why it was that at a time when representatives from all parts of America met for the express purpose of considering and stating the American grievances, and for devising means of redressing them, they had limited their complaints to the year 1763, and had not traced back, as could easily have been done, the many aggressions which had been committed by Great Britain upon her infant colonies in the jealousies, monopolies, and prohibitions with which she was so prodigal toward them, for the purpose of depressing their population, restricting their trade, and crippling their attempts at even the most domestic and necessary manufactures?[1] In other words, why had they not gone back to the navigation laws, the real source of all the discontent in the colonies; and instead rested their case upon the Stamp act and the theory of taxation and representation, about which there was such a difference of opinion? To this it was answered that the delegates from South Carolina had been willing to have stated the whole case, setting out all grievances, but that the delegates from Virginia would not "retrospect" back further than 1763. That although the reason for this course was not avowed, it was understood that it had been determined at home not to go back beyond that year, as thereby the greater odium would be thrown upon the reign of George III, which had been so fatal to the peace of America.

Besides a statement of the grievances, without mention of the chief cause of offence, little had really been accomplished by the Continental Congress, and of that little the chief measure was just that which the meeting under the Exchange in July had refused to adopt, and to which the merchants in Charlestown who had assisted

[1] *Memoirs of the Revolution* (Drayton), vol. I, 167.

the Commons in maintaining their certificates as currency, and thus materially aiding them in their struggle with the Council, were most opposed. It was, indeed, a most impolitic measure. As has been well observed, it was but a poor medicine, but according to the knowledge of the times; heroic but mistaken surgery, like the bloodletting then in vogue. At the very time when all the vigor of the system seemed likely to be taxed to the uttermost, on the verge of war with Great Britain, the colonists were bidden by their wise men to impoverish themselves as much as possible, and to cut off not only the supply of all the numerous articles of common necessity and daily use, but of munitions of war, which they were sorely to need.[1] More than this, the measure had been already tried, and had failed; and it would have inevitably failed again had not events hurried on the war.

But there was a special provision in the articles recommended by the Congress, which had been put in at the instance of John Rutledge, which proved to be a two-edged sword; and that was the exception in regard to rice in the prohibition as to exports. Without this exception the delegates from South Carolina would not, and, under the circumstances, should not, have agreed to recommend the adoption of the agreement; but, on the other hand, with it would be sown the seeds of discord and sectional jealousy in the province beyond the possibility of remedy. This exception, reluctantly granted by the other provinces, as soon as known here, created an alarming disunion throughout the whole colony. Not only the whole interior, but the indigo planters on the coast as well, considered their interests sacrificed to the emoluments of the rice planters. A motion was therefore made

[1] See this scheme satirized in verse, "A Familiar Epistle from America," Moore's *Am. Rev. Diary*, vol. II, 22.

and seconded that the delegates to be elected should be instructed to use their utmost endeavors at the ensuing Congress to cause these words to be expunged. This motion produced an excited and angry discussion.

Mr. Gadsden thought it his duty to declare that he had not any hand in causing those words to be put in the articles of association. So ill had the proposition been received, he said, that it had occasioned a cessation of business for several days, in order to give our deputies time to recollect themselves. That when the members were signing the instrument, all the deputies from South Carolina but himself withdrew. That he would have been glad of the honor of signing his name alone, and for doing so would have trusted to the generosity of his constituents; that he had actually offered to do so, and that Carolina was on the point of being excluded from the association, when our deputies, being again summoned by the Secretary, returned into the Congress, yielding up the article of indigo, which they had also asked to be exempted, and that Congress, for the sake of preserving the union of America, allowed the article of rice to be excepted. That this, however, was illy received by the other colonies, and therefore it was his opinion that for the common good, as well as our own honor, we ought to remove this as soon as possible by having the words "*except rice to Europe*" stricken out of the fourth article of the association.

John Rutledge then arose and undertook his own defence and that of his three associates. He said that at an early period he and the other delegates from this colony had warmly pressed an immediate non-importation and total non-exportation. That as the purpose of a non-exportation to Great Britain and Ireland was to withhold from the people of those countries the advantages they

might acquire from a receipt of American commodities, the end would be more surely effected by retaining those commodities altogether in America. The northern colonies, however, would not agree to this, but insisted upon remitting to England as usual to pay their debts by the circuitous mode of their flour and fish trade to the rest of Europe. The commodities they sent to the mother country were but trifling. Their real trade — which was with the rest of Europe — would be but little affected by the articles of the association. For instance, Philadelphia carried on a trade of export to the amount of £700,000 sterling, whereas scarce £50,000 value of it went to the mother country. That it was evident those colonies were less intent to annoy the mother country in the article of trade than to preserve their own; and he thought it was but justice to his constituents to preserve to them their trade as entire as possible. That as the northern trade would be but little affected by the association, he saw no reason why ours should be almost ruined; for nearly all our indigo and two-thirds of our rice went to the ports of the mother country. That if we must bear burdens in the cause of America, they ought to be as equally laid as possible. Upon the whole, he said, the affair seemed rather like a commercial scheme among the flour colonies to find a better vent for their flour through the British Channel, by preventing, if possible, any rice from being sent to those markets, and that, for his part, he could never consent to our becoming dupes to the people of the North, or in the least to yield to their unreasonable expectations; that since by the association the rice planters preserved their property, it had been the scheme of the delegates in Congress that they should make compensation to the indigo planters, who could not send their crops to the

mother country; such a plan, he thought, was just and practicable.[1]

The debate became general. Thomas Lynch and Thomas Lynch, Jr., William Henry Drayton, and Edward Rutledge supported John Rutledge. On the other hand, Christopher Gadsden, Rawlins Lowndes, and the Rev. Mr. Tennent contended that the compensation scheme was impracticable. These latter gentlemen maintained that if it were to operate in favor of the indigo planter, it should afford, in justice, also alike relief to the hemp grower, the lumber cutter, the corn planter, the producers of pork and butter, etc.; for why should this benefit be confined to the indigo maker in exclusion of other classes of citizens, whose commodities were their means of support, and would be equally unsalable by the association? That as we were all one people, we should all suffer alike, and then all would struggle through difficulties which might arise.

In this discussion the whole day was spent; at sunset a committee was appointed to form a plan of compensation. The committee reported the next morning, but its plan was intricate and unsatisfactory, was rejected, and the debate renewed. The discussion was carried on without any cessation until dark. Great excitement prevailed. The Congress was in uproar and confusion. At length, all parties wearied, the question was put by candle-light, and Drayton says at the desire of one of the indigo party was put in a manner that resulted adversely to that interest. Instead of voting as usual by acclamation, to avoid mistakes in counting each man's name was called, and he declared himself *yea* or *nay*, which was recorded. By this mode some were overawed, either by their circumstances or connections, and to the surprise

[1] *Memoirs of the Am. Revolution* (Drayton), vol. I, 168–171.

of the *nays* — that is, of those opposed to expunging the exception in favor of rice — they carried the point by twelve votes — eighty-seven to seventy-five. So the rice planters triumphed.

The next day being Sunday, the Congress was opened with the celebration of divine service by the Rev. Mr. Paul Turquand, who was a member of the body, after which business was resumed and another committee appointed to suggest some mode of compensation. Upon their report rice was assumed as the basis of valuation at 55*s.* currency the hundred weight, and as that rose or fell in price, so the other commodities were to rise and fall likewise; a table of values of other articles was prescribed. Committees were to be appointed to effect the exchange of the commodities, as convenience should require, either in kind or in money. By this plan rice planters were to exchange rice or money arising from it for one-third of the crops of indigo, hemp, corn, flour, lumber, pork, and butter. Each rice planter was to deliver one-third of his crop to the committee of his parish, and to receive for it an equal value of other commodities in turn. These committees would have had a difficult business on their hands had the scheme gone into practical operation, for the fact had been overlooked that a third of the rice crop was scarcely equal to a third of the indigo, and that consequently the various other products would not have any fund for exchange compensation. The rice planters agreed to the arrangement, believing that it would never go into effect, as either there would be no occasion for it, or that the hostile situation of affairs would put an end to the scheme. In this their anticipations were soon fulfilled.[1]

John Rutledge was clearly right when he objected to

[1] *Memoirs of the Revolution* (Drayton), vol. I, 168–174.

South Carolina going into the non-intercourse association unless it should be absolute. The colony had followed others into such a scheme in 1769, and claimed that it had been deserted by them and left alone in its enforcement. True, this was denied, and it was, on the contrary, charged that this colony had been among the violators; but whichever colony had first broken the association, its trial had demonstrated that no such agreement could be relied upon. But more than this, as Rutledge showed, the scheme would work to the material interests of the northern colonies, and directly against the interest of South Carolina. It was preposterous to ask South Carolina, the great rice colony, to go into an association by which the northern colonies were to be actually benefited and her chief business destroyed. As we have seen, the exports of South Carolina to England amounted possibly to near a £1,000,000 sterling; whereas, as John Rutledge showed, out of £700,000 exports from Philadelphia, not £50,000 went to England. The explanation of this difference is given by Edward Rutledge in a letter to Ralph Izard, then in Europe. Rice was one of the enumerated articles under the Navigation acts of England, and could not therefore be shipped except to England and Scotland, and to ports south of Cape Finisterre, while the produce of northern colonies, wheat and flour not being enumerated articles, could be shipped anywhere. Non-importation meant, therefore, ruin to South Carolina.

It was comparatively of little injury to the northern colonies. The Association was equally objectionable to South Carolina whether rice was excepted or was not excepted. If rice was not excepted, a great blow would be dealt to the chief industry and business of the colony. If rice was excepted, a new and just ground of offence

was given to the upper country. Rice, it would be said, would be protected at the expense of the products and business of that section.

This matter having been settled, the Congress then proceeded to establish a system of government for the colony. It resolved to continue its existence until there should be a new general meeting of the people, and in the meantime it was to be convened, when necessary, by a vote of the Charlestown members, who for convenience of meeting were constituted a committee for that purpose, to be known as the General Committee. This committee had also the cognizance of the collection of debts. A sub-committee of the Charlestown members was constituted as a committee of inspection, to take charge of the arrival of vessels and their cargoes, and of the conduct of the people generally. The sub-committee was to report to the General Committee, whose directions they were to obey. The representatives of the parishes and districts respectively composed their local committees, and they were also assisted by committees of inspection. By these arrangements an independent authority was virtually constituted, while the Royal government retained little else than public offices without power, and a show of government without the means of supporting it.

The Congress next proceeded to the election of delegates to the ensuing Continental Congress at Philadelphia, and the five former delegates were rechosen. They were elected without any opposition, for as their proceedings in the former Congress had been confirmed on the whole, it was deemed best that confidence should be evinced by their reëlection. The power and credentials of these delegates were thus prescribed: "*To represent this colony on the* 10*th of May next, or sooner if necessary, at the American Congress, to be held at Philadelphia or*

elsewhere, with full power to concert, agree upon, direct, and order such further measures as in the opinion of the said deputies and the deleyates of the other American colonies to be assembled shall appear to be necessary for the recovery and establishment of American rights and liberties, and for restoring harmony between Great Britain and her colonies."[1]

On the 17th of January the Provincial Congress waited on the Lieutenant Governor at his residence in Broad Street, and presented him with an address styling themselves "his Majesty's faithful and loyal subjects, the representation of all the good people in the colony now met in Provincial Congress," and stating that they thought themselves obliged to address his Honor for redress of a grievance which threatened destruction to the constitution and ruin to the inhabitants of the country; namely, the long and still continued disuse of the General Assembly, contrary not only to every principle of free government, but directly against a law of this province. It was not necessary, they said, to enumerate all the unhappy consequences which must follow a denial of the right of the people to appear frequently by their representatives in General Assembly. Taxes continuing to be raised and paid and laws to be executed against the sense of the people were but a part of their grievances. Mortifying as these considerations were, the causes were more so, being, according to their best information, no other than a refusal of the House of Assembly to obey ministerial mandates contrary to their consciences and subversive of the rights of the constituents; his Majesty's Council composed chiefly of placemen paying an implicit and servile obedience to unconstitutional instructions. They forbore to trouble his Honor for reasons in support of the request which they now as of right made

[1] *Memoirs of the Revolution* (Drayton), vol. I, 176.

in behalf of all the good subjects of his Majesty in the colony, that the holding and sitting of the General Assembly might be no longer delayed, but that it might be permitted to sit for the dispatch of public business as formerly. They prayed his Honor to be assured that they did not intend to question his Majesty's prerogative of calling, proroguing, and dissolving the General Assembly, but only to request that this power be exercised for the good of the people.

The Lieutenant Governor, if he would discuss the matter at all with this revolutionary body, might well have reminded these gentlemen, many of whom were members of the General Assembly, that the "Additional Instruction" of which they complained as a ministerial mandate contrary to their consciences, and subversive of the rights of their constituents, had been provoked, if not justified, by the conduct of the Commons in diverting the public money to the payment of Wilkes's debts and private expenses, and that from their own unauthorized and improper conduct in that matter had arisen that whole trouble. But his Honor contented himself with a most dignified and courteous reply, saving alike the feelings of his own personal friends, of whom they were so many in the Congress, and the loyalty and propriety of his own position. He knew, he said, no legal representatives of the good people of this province but the Commons' House of Assembly, chosen according to the Election act and met in General Assembly. As gentlemen of respectable character and property, however, he informed those addressing him that the General Assembly stood prorogued to the 24th instant. He had always endeavored to make the law of the land his rule of government in the administration of public affairs, and he should not omit observing it in meeting the General Assembly according to the

prorogation, with whom he should, under the guidance of his duty to the King, and zeal for the service of the province, do everything in his power that could contribute to the public welfare.

When the Provincial Congress returned to their chamber, they adopted resolutions that all the inhabitants of the colony should be attentive in learning the use of arms, and that their officers train and exercise them at least once a fortnight. That Friday, the 17th of February next, should be set apart as a day of fasting, humiliation, and prayer before Almighty God, devoutly to petition him to inspire the King with true wisdom to defend the people of North America in their just title to freedom, and to avert from them the impending calamities of civil war.

The Congress returned thanks to their President and Secretary, and then adjourned to the 20th of June unless it should be reconvened earlier by the Charlestown General Committee.[1]

[1] *Memoirs of the Revolution* (Drayton), vol. I, 176–180.

CHAPTER XLI

1775

The Charlestown General Committee met on the 18th of January, 1775, and organized themselves under the regulations of the Provincial Congress: but they soon learned that they were not the masters of affairs, even in the town. The merchants and conservatives had succeeded in defeating the proposal to try another non-importation and exportation scheme at the invitation of Boston, and they had also succeeded, as they thought, in restricting the powers of the delegates to the Continental Congress to agreeing only to such legal measures as would be most likely to obtain a repeal of the objectionable acts of Parliament. Following the spirit of their instructions, our delegates at Philadelphia had, under the lead of John Rutledge, refused to recommend the adoption of an association for non-intercourse with England as proposed, but by Gadsden's efforts they had consented upon the condition of the exception of rice from the prohibited exports. We have seen what an apple of discord this condition proved to be at home. But the Charlestown committee undertook in good faith to carry out the purposes of the association as they had been accepted by the Provincial Congress. A vessel arriving about this time from Bristol, in England, with 3844 bushels of salt, 35 chaldrons of coals, and 40,500 tiles, these articles of prime necessity were thrown into the river by a people on the verge of war and without the means of replacing them.

But another case soon arose which convulsed the town

A family which had been residing in England, and were returning home to share the fate of their people in these troublous times, had brought with them in the vessel the household furniture and horses which had been used by them in England. Under the circumstances the committee, after considerable discussion, decided that these horses did not come within the meaning of the article of the association as relating to *goods* or *merchandise*, and authorized their landing. The permission of the committee created great excitement among the people. The cry was raised, "*The Association was broken.*" The horses at least should not be landed. Hundreds of the inhabitants of the town assembled; and though many active and influential members of the committee endeavored to pacify them, they would not desist in their opposition, but demanded that the General Committee should reconsider their vote. The General Committee was reconvened on the 17th of March. The room of meeting was crowded. Edward Rutledge was bold enough to censure the people for thus questioning the vote which had been given, but he would not be listened to. The authority of the committee was despised; some of its members left in anger, others became vociferous in rage; all was in confusion. Sufficient order was at length secured to obtain a postponement of action until a more full attendance of the committee could be procured. The presence of all members was desired, and great exertions were made for that purpose by both parties.

When the day of the meeting arrived, the town was in universal commotion, and great was the press of the people who attended. Application had been privately made to the military companies to cover the landing of the horses, and some of the individual members had agreed to do so; but the majority of them refused, and

the people declared that if the horses were landed they would put them to death. Amidst this confusion the debate began, upon Mr. Gadsden's motion to reverse the former determination as to landing the horses. He urged that the vote had been carried in a thin committee; that it was contrary to the association; that it would alarm the northern colonies; and that the people were highly dissatisfied with it. And this last, he contended, was of itself a cogent reason to reverse the determination. Then followed the Rev. Mr. Tennent and Mr. Rugely on the same side. Rawlins Lowndes, Edward Rutledge, Thomas Bee, and Thomas Lynch, on the other hand, urged that the action of the General Committee ought not to be reversed, and that, if it was, the committee would fall into contempt. That the committee ought not to be influenced by outside pressure. That temporizing did not become honest men and statesmen, who ought to declare their opinions according to their consciences. That if they adhered to the letter of the association, no arms or ammunition could be received from England; that it was never the idea of Congress to exclude such articles. Then followed William Henry Drayton, who, though still a member of the Governor's Council, took part in the meeting, and supported Gadsden. In a style similar to that in which he had formerly assailed Mr. Gadsden, now in a long speech, in which Cato of Utica, and Cicero's Letters to Atticus, and the Long Parliament were all called in as witnesses for the people, he urged that the Roman Senate were a wise body, and that they had yielded to the people; but nobody supposed their concessions brought them into contempt, and therefore that the General Committee should follow their example. Was Mr. Drayton now actually for yielding to the clamor of "the carpenters, cobblers, and butchers"?

It is strange that a man of so much ability as Mr. Drayton undoubtedly was — if, in his position as a member of the King's Council, he had any right to take part in this discussion — should have so blinded himself to the point that the General Committee, though for convenience constituted of the members of the Provincial Congress resident in Charlestown, were but the representatives of a body which at least claimed themselves to represent the people of the whole province, and not only those of the town. The Provincial Congress had not delegated the authority they possessed to the townspeople to be exercised by them in mass meetings or mobs, but to certain delegates who, because they lived in and near the town, could be easily convened. The committee had no right, therefore, to listen to or obey the dictates of a mob of the town, but were bound, as Lowndes and Edward Rutledge and Lynch and Bee urged, to act on their own responsibility as a committee representing all the people of the whole province. All this was no doubt well presented by John Rutledge, who now rose to meet the arguments which had been urged by Gadsden and Drayton; but we have no report of his speech, only that in it he added much to his reputation as a speaker. But argument and eloquence were of little avail in the presence of the threatening multitude. By a majority of one the committee yielded to the clamor of the pressing throng, and by a vote of thirty-five to thirty-four rescinded their permission to the returning family to land their horses.[1]

The General Assembly, as we have seen, had been prorogued by the Lieutenant Governor to the 6th day of September, 1774. From that day it was prorogued from time to time to the 24th of January, 1775, that is, a week after the adjournment of the Provincial Congress, when the

[1] *Memoirs of the Revolution* (Drayton), vol. I, 180–187.

Lieutenant Governor received the Commons in the Council Chamber. In his speech he informed them that he had nothing in command from the King to lay before them, but recommended the reviving and continuing of certain acts which were about to expire. He reminded them that the public faith was pledged to maintain several establishments which were supported out of the produce of the general duty law. He should order the public Treasurers to lay their accounts before them and trusted that they would make provision for meeting the public debts.

The Commons — the most of whom were members of the Provincial Congress — by their address in reply expressed their surprise and concern at being informed that his Honor had nothing in command from the King to lay before them, as their agent had long ago informed their Speaker that the "Additional Instruction" which they had so often complained of had been withheld in the instructions made out to the newly appointed Governor. That this cruel neglect, as well of his Honor as of this colony, they could not but consider as an aggravation of the many oppressive acts of the present ministry, leaving little hope that their deliberations would be of much advantage to the colony, as all the former obstructions to business seemed to remain in full force. They assured his Honor, however, that they would take into consideration immediately what laws ought to be revived and continued, and also what provision was necessary for discharging the debts and supporting the public credit.

Mr. Lynch, one of the delegates to the Continental Congress, then laid before the Commons a copy of the journal of the proceedings of that body, and Christopher Gadsden, John Rutledge, and himself being in their places, Rawlins Lowndes, the Speaker, by order of the House, in its behalf, returned the thanks of that body to

the deputies who had attended the Congress from this colony. The House then gave its sanction to the reappointment of these gentlemen to the General Congress at Philadelphia. The powers now given by the House of Commons were certainly less restricted than those given by the Provincial Congress; but this was nothing looking to independence. Their commission ran: "*With full power and authority to concert and agree to, and effectually to prosecute such measures as in the opinion of the said deputies and of the deputies so to be assembled shall be most likely to obtain a redress of the American grievances.*" The House further resolved to provide £1500 sterling to pay the expenses of these deputies in attending the Congress.[1]

It will be recollected that the occasion of the breach of William Henry Drayton with the administration was the arrest of Powell the printer for publishing a protest Mr. Drayton had entered on the journals of the Council upon their refusal to proceed with a bill to prevent counterfeiting the paper money of the other colonies, the Council, it will be remembered, refusing to pass any bill until the Commons would submit to the "Additional Instruction." This Additional Instruction, it had been learned, had been omitted from the instructions of the new Governor, now soon expected to arrive, and it was hoped that the Lieutenant Governor would have been authorized to make such an announcement in his opening speech; but he had not. In order to test the matter, the House therefore again passed "*An act to prevent counterfeiting the paper money of the other colonies*," and sent it to the Council. This put the Council in a serious dilemma. The general duty was about to expire, and the Council well knew that the Commons would not insert in the bill renewing it the clause required by the "Additional In-

[1] *Memoirs of the Revolution* (Drayton), vol. I, 204–209.

struction." If, on the other hand, they passed this bill, — though upon an indifferent subject, — they would abandon the position they had assumed of refusing to pass any measure until the Commons submitted to the "Additional Instruction." The situation was a delicate one, and when the day came for reading the bill, the members of Council were still in doubt as to their course. They adopted the expedient, therefore, of postponing its reading under the pretence of the absence of a member. This member was John Stuart, the Superintendent of Indian Affairs, whose romantic escape from the Indians we have told in a previous chapter; but it had been the custom of the Council hitherto to take no notice of the absence of any member who was not a Crown officer. Then when the day to which the bill had been postponed arrived, two Crown officers absented themselves, on the ground of indisposition, which was believed to be feigned. Upon this William Henry Drayton, who still kept his seat in the Council, entered again his protest that it was unreasonable to postpone the bill for the indisposition and absence of two members, who, although Crown officers, were not expressly required to be present, and as there was a quorum sufficient for transacting business without them, — a number that had often transacted business of a similar nature. Here the matter rested in Council, but Mr. Drayton did not rest with it; he resorted again to the newspapers and published a protest in the *Gazette* of the 13th of February, 1775. This greatly offended the Chief Justice, but in the present condition of the people he dared not arrest Mr. Timothy, the publisher of the paper, though Mr. Speaker Lowndes was no longer a judge to have released him, if he had. The appointed day for considering the bill again arrived, and though one member was still absent, the bill was passed in sullen silence — the Chief Justice voting,

however, against it. The Commons had triumphed. They had compelled the Council to transact business, without their submitting to the "Additional Instruction." This was the first bill passed by the General Assembly in more than four years, and, with a bill to revive and continue certain acts, the last passed under the Royal government.[1]

Mr. Drayton, too, had triumphed. But his triumph in the Council was but brief. The Chief Justice was determined that he should no longer sit at the King's Board and fight his authority. In his place at the Council he made a violent invective against Mr. Drayton; accused him of having made publications against the King; that even while a judge he had delivered charges stirring up the people to sedition; that he frequented popular assemblies, where he loudly inveighed against the government, for all of which he ought to be removed from the Council. He concluded by moving an address to the Lieutenant Governor for his suspension as a counsellor, which motion was immediately seconded. But Mr. Drayton was equal to the occasion. In his place at the Board he replied that to be obnoxious to those in Council, to whom he so found himself, evinced his attachment to his country, since those who were so against him were themselves obnoxious to the whole people. He held it an honor that those should desire his suspension against whom the province had publicly complained not only to the Lieutenant Governor, but to his Majesty the King. Mr. Drayton was interrupted, the question was put, and an address for his suspension was voted by the *three placemen* — the whole Board on the occasion being composed of only four members, Mr. Drayton himself being the fourth. The address thus voted was on the same day, the 13th of February, 1775, presented to the Lieutenant

[1] *Memoirs of the Revolution* (Drayton), vol. I, 209–211.

Governor, who required of the addressers a specification of facts upon which their complaint was founded. A report was accordingly made charging Mr. Drayton with particular acts as grounds for his removal, which was adopted by a majority of Crown officers and placemen. The only three members of the Council at this time who were natives — *i.e.* Mr. Drayton himself, his father, Mr. John Drayton, and Mr. Barnard Elliott — entered afterward on the journals a protest against these proceedings. But the Lieutenant Governor, notwithstanding his close relationship to Mr. Drayton, formally suspended him.[1] Poor Governor Bull! he had a hard time of it between his friends and his relations, his country and his King.

The 17th day of February had been set aside by the Provincial Congress as a day of fasting, humiliation, and prayer, and when it arrived the Commons' House went in procession, with their mace before them, to St. Philip's Church, where a pious and excellent sermon was delivered by the Rev. Robert Smith.[2] Thence returning to the affairs of the colony, as the Council had passed an act, and thereby yielded the long-contested point, the Commons sent them on the 26th of February, 1775, a reviving bill, by which, among other laws revived and

[1] *Memoirs of the Revolution* (Drayton), vol. I, 209–214.

[2] *Ibid.*, 214, 215.

This mace, borne before the Commons to St. Philip's Church, is the still handsome silver mace which now probably for near a century and a half has lain upon the Speaker's table in the House of Representatives in South Carolina. There has been much speculation as to its history. It has been alleged to be none other than Cromwell's "Bauble"; again it has been confidently asserted to have been brought out by Sir Francis Nicholson, the provisional Royal Governor, in 1721. An examination by Mr. James Allan, Jr., an expert silversmith, made at the request of the author has, however, definitely settled the date of its manufacture. Mr. Allan finds, from the hall marks and other intrinsic evidence, that the mace was manufactured in 1756. The probability, then, is that the mace

continued, the general duty act was renewed — but to have effect for one year only. The power was thus retained to the Commons' House of Assembly; for at the expiration of the year, unless the government satisfied the people, it would have no means of supporting the civil establishment, the clergy, or the Crown officers. The session was then closed, in a better temper than for some years, and the House adjourned to the 20th day of April.

The people now anxiously looked for advices from Europe as to the effect of the measures of the Continental Congress, and the mass of citizens and men of prudence and moderation ardently longed for a reconciliation with the mother country, and awaited with the fondest hopes and with a genuine loyalty manifestations of good will from the Throne. As yet no one in South Carolina was bold enough to advocate independence of the mother country, and few indeed there were who even secretly entertained such a wish. The people were still loyal to old England, regarding all their troubles as owing to a wicked ministry, resistance to which on their part in America would enable their friends, the Whigs, at home to overthrow. Thus it was that William Henry Drayton, while a member of the Council, and bearing a commission of Judge under the King, could take the part he did. Had he at

was brought out by Governor William Henry Lyttleton, who succeeded Governor Glen, in 1756. Joshua Quincy mentions it in his *Memoirs*. He says, March 19, 1773: "Spent all the morning in hearing debates in the House, and had an opportunity of hearing the best speakers in the province. The first thing done at the meeting is to bring the mace — a very superb and elegant one, which cost ninety guineas — and lay it on the table before the speaker." The mace was carried away by the British army upon the evacuation of Charlestown, in 1783, and somehow found its way to the Bank of the United States, in Philadelphia, where it was discovered by the Hon. Langdon Cheves, when he became president of that institution, and returned to the State.

that time contemplated the independence of the colonies as the result of this agitation, he would have been more than a rebel — he would have been a traitor — in doing so. Indeed, even yet, had separation been openly avowed as the object of the leaders against the government, there is little doubt that the movement would have been overwhelmingly defeated. Such was the situation of affairs when advices which came put an end to every hope of immediate accommodation.

On the 1st of February Chatham had reappeared in Parliament with an elaborate bill for settling the troubles in America. It asserted in strong terms the right of Parliament to bind the colonies in all matters of commerce and navigation; but at the same time it recognized the sole right of the colonists to tax themselves, guaranteed the inviolability of their charters, and made the tenure of their judges the same as in England. It proposed to make the Congress which had met in Philadelphia an official and permanent body, and asked it to make a free grant for imperial purposes. The bill was not even admitted to a second reading.

Several other propositions tending toward conciliation were, however, made. On March 22, Burke, in one of his greatest speeches, moved a series of resolutions recommending a repeal of the recent acts complained of in America, reforming the Admiralty Court and the position of the judges, and leaving American taxation to the American Assemblies, without touching upon any question of abstract right. These and other like attempts were defeated by enormous majorities. Though it was said that the King had declared that the petition from the Congress was a decent one, Parliament declined to receive it. The colonial agents were refused even a hearing upon the subject. Parliament at the same time

took stringent measures to enforce obedience. It pronounced Massachusetts in a state of rebellion, and voted six thousand additional men for the land and sea service; it answered the non-importation and non-exportation agreements of the colonies by an act restraining the New England States from all trade with Great Britain, Ireland, and the West Indies, and from all participation in the Newfoundland fisheries, and soon after extended the same disabilities to Pennsylvania, New Jersey, Maryland, Virginia, and South Carolina. It was resolved also to increase the British force in Boston to ten thousand men.

Lord North at the same time was careful to announce that these coercive measures would at once cease upon the submission of the colonies, and on February 20, 1775, he had, to the great surprise of Parliament, introduced a conciliatory resolution which was very unpalatable to many of his followers and very inconsistent with some of his earlier speeches. His proposition was, that if, and as long as, any colony thought fit of its own accord to make such a contribution to the common defence of the empire, and such a fixed provision for the support of the civil government and administration of justice, as met the approbation of Parliament, it should be exempted from all imperial taxation for the purpose of revenue.

But in introducing this measure Lord North had expressly declared that the right of taxing every part of the British dominions must by no means be given up. That it was best at the outset to let the colonies know what was expected, and to learn whether they meant to dispute the whole of the British authority or not. That the Congress of the colonies was an illegal Assembly; for they were separate States, having no connection but in their relation to Great Britain.

At an earlier stage of the dispute the resolution might

have been accepted as a reasonable compromise, but in the midst of the coercive measures that had been adopted it pleased no one. Burke and the Whig party denounced it as not stating what sum the colonists were expected to pay, leaving them to bid one against another, to bargain with the mother country, and in the meantime holding them in duress with fleets and armies, like prisoners who had not yet paid their ransom. Barré assailed it with great bitterness, as intended for no other object than to excite divisions in America. The colonists generally repudiated it as interfering with their absolute right of disposing as they pleased of their own property.[1] This view was taken of it in South Carolina; and now, regarding hostilities as inevitable, without passing any formal resolution it was understood in the General Committee that the public military stores should be immediately seized.

The Provincial Congress had adopted a resolution "that a secret committee of five proper persons be appointed by the President of this Congress to procure and distribute such articles as the present insecure state of the interior parts of this colony renders necessary for the better defence and security of the good people of those parts *and other necessary purposes.*" Such were the indefinite terms, calculated to bear ample construction, which covered a well-understood and definite purpose. Colonel Charles Pinckney, the President of the Provincial Congress, in pursuance of this resolution, appointed the committee. He first nominated William Henry Drayton, who was allowed to select his associates. At his desire the President appointed Arthur Middleton and Charles Cotesworth Pinckney; William Gibbes, having many schooners and stores which might be needed, and Edward Weyman,

[1] *England in the Eighteenth Century* (Lecky), vol. III, 457–461; *Memoirs of the Revolution* (Drayton), vol. I, 216–219.

active in confidential services, were added, completing the committee. This committee, the night after their appointment, seized the public powder at Hobcaw magazine and the powder in the magazine at Cochran's on the Neck, while a third party broke open the armory in the upper part of the State House and removed eight hundred stand of arms, two hundred cutlasses, besides cartouches, flints, and matches. On this occasion many of the most respectable gentlemen attended: Colonel Charles Pinckney, President of the Provincial Congress; Colonel Henry Laurens, Chairman of the General Committee; Thomas Lynch, one of the delegates to the Continental Congress; Benjamin Huger, William Johnson, William Bull, and William Henry Drayton, the two last nephews of the Lieutenant Governor.

In this affair the greatest order was observed. No disguises were used; but the night was chosen for the transaction, as there was no reason, it was said, needlessly to insult the authority of the Lieutenant Governor by performing it in open day, when the public purpose could be equally promoted by avoiding such conduct. The seizure of the powder and arms, so immediately following the late advices from London, clearly indicated who had taken them. The Lieutenant Governor was sadly perplexed. He convened his Council; but after much consideration they could only advise him to send a mild message to the Commons' House, then sitting, informing them of the event. The Assembly, composed of the very men, as the Lieutenant Governor no doubt well knew, who had been engaged in the affair, gravely carried on the farce by referring the Governor's message to a committee which had been already appointed "to examine the public arms"; and on the 27th of April Mr. Bee brought in a report to the House on the subject, which was agreed to,

and which reads very much like a verdict of a coroner's jury of the present day sitting in a case of lynching. They reported, "That with all the inquiry your committee have made, they are not able to obtain any certain intelligence relative to the removal of the public arms and gunpowder as mentioned in his Honor's message; but think that there is reason to suppose that some of the inhabitants of this colony may have been induced to take so extraordinary and uncommon a step in consequence of the late alarming accounts from Great Britain." This report was sent by Rawlins Lowndes, the Speaker, to his Honor, and was all the satisfaction the Lieutenant Governor could get.[1]

But, notwithstanding these measures, there was great languor and indifference on the part of the people throughout the colony. As in all such cases, the aggressive party was carrying its measures with a high hand; but it had no general popular support behind it outside of the town. So much was this felt, that the delegates who were about to sail for Philadelphia to meet the Continental Congress wished to have distinct instructions of the Assembly before they went. For this purpose Mr. Lynch, one of the delegates, on the 28th of April, 1775, moved that the House resolve itself into a committee of the whole to take into consideration the present state of the colony, which being agreed to, Colonel Parsons took the chair, and the doors of the House being shut, this important question was propounded by Mr. Lynch, "If the delegates from this colony should in General Congress think it expedient to engage a sum of money as an aid from the province to the American Association, would the Assembly ratify and raise that quota which they should engage for the contribution of this country?"

[1] *Memoirs of the Revolution* (Drayton) vol. I, 221-226.

Mr. Lowndes, who with John Rutledge best represented the true sentiment of the people generally, at least that of the people on the coast, that is, those who were opposed to the conduct of the ministry, but who already had begun to apprehend that this colony would be unwittingly pushed into measures looking to the separation of the colonies from the mother country, again, as he had before at the first general meeting on the 7th of July, 1774, pleaded for moderation. He hoped the delegates would be cautious, as it was yet too early to proceed to extremities. He again stated his position, which was no doubt the position of the great majority even of those who were for resistance; that while he denied the right of Parliament to take money out of the pockets of the colonists, he yet maintained the right of Parliament to legislate for them in all national and commercial cases. Fears and distrusts appeared among the members, but Mr. Lowndes withdrew his opposition, and the committee unanimously agreed they would fulfil all the engagements the delegates should make on the part of the colony for promoting the public welfare. The committee then rose; the Speaker, Mr. Lowndes, resumed his chair. Colonel Parsons reported that the committee asked leave to sit again, but no other action was taken.[1]

On the 3d day of May, 1775, the delegates sailed for Philadelphia, leaving the public anxiously awaiting the determination of the approaching Continental Congress. A few days after, *i.e.* on the 8th, a vessel arrived from Salem, Massachusetts, bringing the intelligence that civil war had begun in that province. The news of the battle of Lexington was immediately laid before the General Committee, and a vote passed to summon the Provincial Congress to meet on the 1st day of June, as the 20th, to

[1] *Memoirs of the Revolution* (Drayton), vol. I, 226–229.

which it stood adjourned, was deemed too distant a day. This news forced the decision of many of those who were doubtful. Under its influence Barnard Elliott resigned his seat as a King's counsellor, which he had held up to this time, and associated himself with the members of the General Committee.[1]

In the meantime it was desired by some in the General Committee to take measures for the defence of Charlestown and its harbor; but as the movers feared that if they announced such decisive measures before the General Committee there might be some delay in the execution of them, and thereby the scheme being divulged might be frustrated, it was proposed to exact an oath of secrecy from the members present. But the very solemnity of this proposal, it was observed, defeated its purpose. It aroused at once an apprehension that an immediate revolution was to be ushered in. A large number of the members refused to take the oath. They would not swear in the dark; the oath proposed might militate against others which they had taken, and then they would be guilty of perjury. In vain were they assured to the contrary. They would not leap in the dark. On the 10th of May a special committee made another proposition, that of an association of defence, to be signed by the inhabitants generally. This was postponed to the next day. On the 11th the association was the subject of a long debate of seven hours. The form was objected to. It was not known to what it would

[1] *Memoirs of the Revolution* (Drayton), vol. I. 231, 248. The brigantine *Industry*, Captain Allen, which brought the news, sailed from Salem on the 25th of April and arrived on May the 8th. *So. Ca. Gazette and Country Journal*, May 9, 1775; *So. Ca. and Am. Gen. Gazette*, May 12, 1775. The express forwarded by the committee left Wallingsford, Connecticut, the day before the *Industry* sailed, but did not reach Charlestown until three days after the arrival of that vessel.

extend. At length the form was made acceptable; but it was insisted that to sign it immediately would be a premature step. In vain it was urged that an immediate subscription would be of infinitely good effect; it would be a test and the means of common defence against any danger. The conservatives still contended it ought not to be entered into before the meeting of the Provincial Congress, to whom it ought to be referred, and whose resolution thereon would be binding. The whole matter was postponed; but it had been demonstrated that very nearly one-half of the General Committee present, twenty-three to twenty-five, were unwilling to commit themselves to any active measures of hostility.[1]

The Commons' House of Assembly had been adjourned by the Lieutenant Governor to the 1st day of June, the day on which the Provincial Congress had also been summoned to meet. This was convenient certainly, as the members of the Commons were almost all members of the Congress. The Commons, knowing on how slight a tenure they held their sittings at this time, hurried on with business without even sending a message to the Lieutenant Governor to inform him that they had met; they passed a resolution providing for the issuance of certificates in payment of the public debts for the year 1774, and were engaged in the passage of an ordinance to prohibit the exportation of rice and Indian corn, when they were summoned to the Council Chamber by the Lieutenant Governor. The House attended and was immediately prorogued to the nineteenth day of June. This was the last official intercourse which Lieutenant Governor Bull had with the Commons' House of Assembly.[2]

The Provincial Congress having met on the same day,

[1] *Memoirs of the Revolution* (Drayton), vol. I, 247, 248.
[2] *Ibid.*, 250–252.

agreeably to the summonses which had been issued, Colonel Charles Pinckney, then President, for whom it is probable matters were now going too fast, resigned that office, and Colonel Henry Laurens, the late Chairman of the General Committee, was chosen in his place. The Congress at once proceeded to consider the subject recommended by the General Committee, first, however, appointing a committee of ways and means for placing the colony in a state of defence. The proposition of an association to be entered into by the inhabitants of the colony was brought before the Congress at an early hour, but much opposition was made to its passage. It was contended by Mr. Heyward, who was afterward one of the signers of the Declaration of Independence, and others that there was no occasion for such an association. It prevailed, however, and on the 4th of June, after divine service had been performed before the Congress, Henry Laurens, then President, signed the instrument, and then the members present respectively affixed their names, binding themselves "under every tie of religion and honor to associate as a band in the defence of South Carolina against every foe," . . . "solemnly engaging that whenever our Continental or Provincial Councils shall deem it necessary, we will go forth and be ready to sacrifice our lives and fortunes to secure her freedom and safety;" . . . "that we will hold all those persons inimical to the liberties of the colonies who shall refuse to subscribe this association."

On the fourth day of the session, the Provincial Congress resolved to raise fifteen hundred infantry, rank and file, in two regiments, and four hundred and fifty horse rangers, constituting another regiment. On the 14th of June one million of money was voted. Commissioners of a treasury were appointed and a Council of Safety was

elected. The Council of Safety was composed of Henry Laurens, Charles Pinckney, Rawlins Lowndes, Thomas Ferguson, Miles Brewton, Arthur Middleton, Thomas Heyward, Jr., Thomas Bee, John Huger, James Parsons, William Henry Drayton, Benjamin Elliot, and William Williamson. As a council they were vested with supreme power over the army, the militia, and all military affairs; in short, they were to be the executive power of the colony. To them was delegated the authority of granting commissions, suspending officers, ordering court-martials, directing, regulating, maintaining, and ordering the army and all military establishments, and of drawing on the Treasury for all purposes of public service. Non-subscribers to the Association were made amenable to the General Committee, and by them punishable according to *sound policy*. Those who violated or refused obedience to the authority of the Congress were made amenable before the parochial and district committees, and upon their being found guilty and being contumacious they were to be declared inimical to the liberties of America and objects of the public resentment. It was also resolved that all absentees holding estates in this colony, except those who were abroad on account of their health, and those above sixty years of age or under twenty-one, ought forthwith to return, and that no persons holding estates in the colony ought to withdraw from its service without giving good and sufficient reasons for their doing so to the Provincial Congress or, during its recess, to the General Committee. Another general election of members of the Congress was ordered to take place in the country on the 7th and 8th days of August, and in Charlestown on the 28th and 29th of that month, and the Congress was declared to be expired on the 6th day of August, but the Council of Safety and all committees

were continued until the meeting of the new Provincial Congress.[1]

The Congress prepared an address to Lieutenant Governor Bull, laying before him their proceedings, and declaring their true motives. This they proposed to present to him just before they adjourned. This courtesy they were willing to show Governor Bull, but they were not willing to commit themselves in any way to his successor. Learning, therefore, on the 17th of June, that the man-of-war *Scorpion*, having on board his Excellency, Lord William Campbell, had appeared on the coast, to avoid any intercourse with the new Governor, two members were dispatched in haste with the address to the Lieutenant Governor, who was at his country seat, Ashley Hall, a few miles from Charlestown. The deputation did not, however, arrive there until the sound of the saluting guns informed them that his Lordship had arrived. This afforded Lieutenant Governor Bull a plausible excuse for declining to receive the address; for he could not do so, he said, as the new Governor was now in the colony. In fact, however, his functions did not actually cease until the new Governor's commission had been read and proclaimed. Governor Bull no doubt shrank from receiving an address announcing to him the overthrow of the government he had so long administered and so earnestly endeavored to maintain.

The public career of this eminent citizen ended with the overthrow of the Royal government. As Speaker of the Commons, member of Council, General of Militia, and Lieutenant Governor, he had been in the public service for thirty-five years. He had administered the government at various times, in all for nearly nine years, a rule longer than that of any other Governor of South

[1] *Memoirs of the Revolution* (Drayton), vol. I, 256.

Carolina except Joseph West under the Proprietary government. He had had a most difficult part to perform, but so strictly had he adhered to the line of his duty to his King and to his country, as he conceived it, that not in all these troublesome times had he incurred the enmity of any class of his fellow-citizens. So beloved was he, that tradition has brought down to us the opinion entertained at the time, that had the government of the province been left entirely and untrammelled in his hands, had he been implicitly trusted and treated by the government at home with the generous confidence he so well deserved, and given full commission with plenary powers, he might possibly have successfully resisted the revolutionary movements in South Carolina, though led by Gadsden with all the ardor and impetuosity of his character, and supported by the wisdom and eloquence of the Rutledges and the firm but moderate counsels of Rawlins Lowndes and Henry Laurens. This, as we have observed, could scarcely have been possible; but it is a great encomium upon his character that such an opinion should have been entertained, and that in all the bitterness of that time tradition has brought down to us no unkind word of him who stood so long in the position most exposed to the virulence of party feeling. He died in England, 1791, in voluntary exile from the land he loved so well. He left no children, but many parents called theirs by his name.[1]

Had the government in England confirmed Charles Pinckney's appointment as Chief Justice, and made the

[1] It is an interesting fact, illustrative of the kindly relations that, amidst all the troubles of these times, Governor Bull maintained with those most opposed to his political views, that by his will, executed in London, in 1790, he appointed Christopher Gadsden and Rawlins Lowndes executors of his estate. *Will Book*, B, 623, Probate office, Charleston.

Bulls — father and son — full Governors, and gathered around them the young men returning from the universities, — Peter Manigault; the three Rutledges, John, Edward, and Hugh; and the three Pinckneys, Charles, Charles Cotesworth, and Thomas; Arthur Middleton, William Henry Drayton, and Thomas Heyward, — and thus built up a colonial support; had it allowed domestic legislation to be perfected upon the approval of its Governor in Carolina, without the delay of transmission to the Board of Trade in England, — Gadsden might not have been able to carry South Carolina with the northern provinces on a theory of taxation in the application of which the colony had no immediate material interest. But there was no opening for young men of aspiration in the colony; places of profit and honor were practically closed to them, and filled by placemen and strangers from abroad. William Henry Drayton had tried his fortune with the King; but he was soon made to realize that there was no chance of real promotion under his Majesty. There was no home rule. No measure, however pressing, could be passed into law until it had received the sanction of a Board sitting three thousand miles away, without the slightest interest in the welfare of the colony.

The cannon which saluted the arrival of Lord William Campbell as Governor announced the end of the Royal government in the province of South Carolina. His Lordship's struggle to recover it is a part of the history of the Revolution, and the story must be reserved for a work upon that subject.

The revolutionary movements so far, it will be observed, had been confined to the town — Charlestown — and to the surrounding low country, — in a great measure, indeed, to the town itself, where Gadsden and the Liberty Tree party controlled. Unlike what took place in other colo-

nies, its leaders were with scarce an exception churchmen. Of the Council of Safety — the new governing body — all were churchmen; of the thirteen members, six were from St. Philip's, two from St. Michael's, the other five from St. Andrew's, St. John's, and St. Paul's. They were all of the stock of the old settlers. Henry Laurens, the President, was a Huguenot, the other members were English or Irish. On the other hand, the Germans in Orangeburg, in Saxe-Gotha, and in the Dutch Fork between the Broad and the Saluda rivers looked on with stolid indifference, if not with aversion. King George was to them not only King of England, but he was Elector of Hanover as well. They were prospering in a quiet way, and were not inclined to involve themselves in a revolution upon abstract principles of government, in which they were not interested. The Irish at Williamsburg were ultimately to furnish splendid partisan soldiers for Marion's brigade; but as yet they do not appear to have been more interested than consulted about the proceedings in the town. The Welch on the Pee Dee, with few exceptions, were alike indifferent. The Scotch refugees from Culloden had had enough of rebellion in 1745 to last them for a while. The Scotch-Irish Presbyterians, stretching across the province from the Waxhaws to Long Cane, used little tea in their new settlement, and were little disposed to follow the churchmen on the coast, in whose Assembly they could obtain but small, if any, representation. Gibert's Huguenots and Stumpel's Germans in Abbeville were too much engaged in settling themselves in their new homes to take part in the controversies in the low country.

All these people were at last to be aroused, when the tide of war rolled back upon them. But it required British bayonets, not to conquer, but to drive them into

rebellion. South Carolina was to become the bloody ground of the Revolution, but this was at last more the work of Sir Henry Clinton's unwise policy in repudiating the paroles he had accepted; of Tarleton's sabres, as they flashed upon the Scotch-Irish, whom he mistook for rebels because they were dissenters; and of the licentiousness, cruelty, rapacity, and tyranny of other British officers, than of Gadsden's zeal or Rutledge's eloquence. Indeed, it will appear that it was while all the original leaders in these movements were in exile or in prison that the seeds they had sown sprang up under the very heels of the invaders, and that, though abandoned by the General Congress, the people of South Carolina rose under Sumter, Marion, and Pickens, overthrew the forces of the enemy, and redeemed the State; recalled Cornwallis from his victorious progress, thus frustrating the grand plan by which his Lordship was to have moved through the Southern provinces and, reënforced from New York, by the way of Portsmouth, Virginia, was to have advanced on the Jerseys and taken Washington in the rear, as Sherman, eighty years after, moved upon Lee. It was, as we shall see, by the uprising of the people of South Carolina that the time was gained, so essential to the whole American cause, while Washington waited the release of Rochambeau at Newport, and the coming of the second French fleet, to render Yorktown possible.

APPENDIX

I

GOVERNORS OF SOUTH CAROLINA UNDER ROYAL GOVERNMENT

James Moore. Revolutionary Governor from 1719 to 1721.

Sir Francis Nicholson. Provisional Governor from 1721 to his death in 1729. Administered the government from 1721 to 1724, when he returned to England.

Arthur Middleton. Administered the government as President of Council during absence of Governor Nicholson, from 1724 to 1729.

Robert Johnson. Governor from 1729 to his death in 1735.

Thomas Broughton. Lieutenant Governor from 1729 to his death in 1737. Administered the government from 1735 to 1737.

William Bull. Administered the government as President of Council from 1737 to 1738. Lieutenant Governor from 1738 to his death in 1755, and, as such, administered the government from 1738 to 1743.

Samuel Horsey. Governor, 1738. Died soon after appointment; did not come out.

James Glen. Governor from 1738 to 1756. Appointed in 1738, but did not come out until 1743. Administered the government from 1743 to 1756, when he was superseded.

William Henry Lyttleton. Governor from 1756 to 1760, when he was transferred to the government of Jamaica.

William Bull (2d). Lieutenant Governor from 1759 to 1775. Administered the government from 1760 to 1761.

Thomas Pownal. Governor, 1760. Did not come out.

Thomas Boone. Governor from 1761 to 1764.[1]

William Bull (2d) administered the government from 1764 to 1766.

Lord Charles Greville Montagu. Governor from 1766 to 1733. Administered the government from 1766 to the 23d of May, 1768.

William Bull (2d) administered the government, during the absence of Lord Charles G. Montagu, from the 23d of May, 1768, to the 30th of October, 1768.

Lord Charles Greville Montagu administered the government from the 30th of October, 1768, to 1769.

William Bull (2d) administered the government from 1769 to 1771, during the absence of Lord Charles G. Montagu.

Lord Charles Greville Montagu administered the government from 1771 to 1773, when he left the province.

William Bull (2d) administered the government from 1773 to 1775.

Lord William Campbell. Governor from 1775 to 1776, when the Royal government was finally overthrown.

[1] It is stated in the body of this work, pp. 352–353, that Governor Boone is supposed to have been the son of Thomas Boone, Esq., in the County of Kent, England; but since these pages have been in press deeds have been found, the recitals of which show that Thomas Boone was the son of Charles Boone of this province, and nephew of Joseph Boone who figured so conspicuously under the Proprietary and in the establishment of the Royal government; but nothing more is known of him.

II

MEMBERS OF HIS MAJESTY'S COUNCIL IN SOUTH CAROLINA UNDER THE ROYAL GOVERNMENT

The following list of the members of his Majesty's Council, from 1720 to 1776, has been compiled for the author by Mr. D. D. Wallace of Newberry, South Carolina, from the Public Records of South Carolina, at the Capitol in Columbia, South Carolina. It is as complete as it is now possible to make it; but there are doubtless omissions which the records do not allow us to supply. The dates of the appointments are given and are approximately correct; but the time of service varied. Under Sir Francis Nicholson the Council was to consist of twelve persons, to be appointed by his Majesty upon the recommendation of the Governor. Five were ordinarily necessary to constitute a quorum; but three, upon extraordinary occasions, might act. The council was thus constituted throughout the Royal government: —

Arthur Middleton, Alexander Skene, Francis Yonge, Benjamin Schenkingh, William Bull, Charles Hart, Benjamin de la Conseillere, William Gibbon, Ralph Izard, 1721; James Kinloch, 1729; Thomas Broughton, Robert Wright, John Fenwicke, Joseph Wragg, Thomas Waring, John Hammerton, 1730; Alexander Vander Dussen, 1746; Richard Hill, Edward Fenwicke, Hector Beringer de Beaufain, 1747; John Colleton, William Bull, Jr., 1748; Francis Kinloch, Charles Pinckney, Edmund Atkin, Francis Kinloch, John Cleland, William Middleton, James Graeme, Isaac Holmes, 1750; William Wragg, George Saxby, 1753; Peter Leigh, John Drayton, 1754; James Michie, Othniel Beale, 1755; Egerton Leigh, George Austin, 1759; Daniel Blake, Henry Middleton, John

Guerard, Charles Shinner, John Rattray, 1761; Thomas Skoetowe, John Colleton, Bart., Henry Laurens, 1764; Daniel Moore, 1767; Rowland Rugely, 1769; William Henry Drayton, Thomas Knox Gordon, John Stuart, Bernard Elliot, 1771; John Burn, 1772; Thomas Irwin, 1775.

III

SPEAKERS OF THE COMMONS' HOUSE OF ASSEMBLY OF SOUTH CAROLINA UNDER THE ROYAL GOVERNMENT

James Moore, 1721–1723; Thomas Broughton, 1724–1726; William Donning, 1731; John Lloyd, 1731; William Donning, 1731; Paul Jenys, 1733–1736; Charles Pinckney, 1736–1739; William Bull, Jr., 1740; Charles Pinckney, 1740; William Bull, Jr., 1740–1742; Benjamin Whitaker, 1743; William Bull, Jr., 1744–1745; Henry Middleton, 1746; William Bull, Jr., 1746–1747; Henry Middleton, 1747; William Bull, Jr., 1748; Andrew Rutledge, 1749; William Bull, Jr., 1749; Andrew Rutledge, 1750–1752; James Michie, 1753–1754; Henry Middleton, 1755; Benjamin Smith, 1755–1762; Rawlins Lowndes, 1764–1765; Peter Manigault, 1766–1772; Rawlins Lowndes, 1772–1775.

IV

LAW OFFICERS OF SOUTH CAROLINA UNDER THE ROYAL GOVERNMENT

Chief Justices

Charles Hill, 1722–1724; Thomas Hepworth, 1724–1727; Richard Allein, 1727–1730; Robert Wright, 1730–

1739; Benjamin Whitaker, 1739–1750; James Graeme, 1750–1752; Charles Pinckney, 1752–1753; Peter Leigh, 1753–1759; James Michie, 1759; William Simpson, 1761–1762; Charles Shinner, 1762–1768; William Wragg, 1769 (appointed but declined the office); Thomas Knox Gordon, 1771–1776.

Assistant Justices (Laymen)

Samuel Eveleigh, 1720; John Fenwicke, 1721; Alexander Parris, 1721; George Smith, 1722; Joseph Wragg, 1722; William Dry, 1722; John Carwood, 1725; John Croft, 1727; Daniel Green, 1727; Thomas Cooper, 1729; Thomas Dale, 1736; Robert Auston, 1737; Benjamin de la Conseilliere, 1737; Thomas Lamboll, 1737; Isaac Mazyck, 1740; William Bull, Jr., 1740; Robert Yonge, 1740; Othnile Beale, 1741; John Lining, 1744; John Drayton, 1753; William Simpson, 1760; Robert Pringle, 1760; William Burrows, 1764; Robert Brisbane, 1764; Rawlins Lowndes, 1766; Benjamin Smith, 1766; Daniel D'Oyley, 1766; George Gabriel Powell, 1769; Edward Savage, 1771; John Murray, 1771; John Fewtrell, 1771; Mathews Cosslett, 1772; William Henry Drayton, 1774; William Gregory, 1774.

Judges of the Court of Admiralty

James Smith, 1721; William Blakeway, 1724–1727; Benjamin Whitaker, 1727; Maurice Lewis, 1727–1739; William Trewin, 1739–1741; James Graeme, 1741–1749; James Michie, 1752; Peter Leigh, 1758; John Rattray, 1760; Egerton Leigh, 1761.

Attorney Generals

Benjamin Whitaker, 1724; Edward Whitaker, 1726; Benjamin Whitaker, 1728; James Abercrombe, 1739; Charles Pinckney, 1733; Adam Graeme, 1762; James Moultrie, 1764; John Rutledge, 1764; Egerton Leigh, 1765; James Simpson, 1775.

V

A LIST OF THE SEVERAL MEMBERS OF THE PROVINCIAL CONGRESS HELD IN CHARLESTOWN IN SOUTH CAROLINA ON THE 11TH DAY OF JANUARY, 1775

For the Parish of St. Philip and St. Michael, Charlestown. — Colonel Charles Pinckney, Mr. John Neufville, Roger Smith, Esq., Mr. Peter Bacot, Mr. Daniel Cannon, Colonel Henry Laurens, Mr. Thomas Corbett, Thomas Heyward, Jr., Esq., Christopher Gadsden, Esq., Isaac Huger, Esq., Thomas Savage, Esq., John Edwards, Esq., Miles Brewton, Esq., Peter Timothy, Mr. Joseph Verree, Arthur Middleton, Esq., Mr. Edward Weyman, Mr. John Ernest Poyas, Mr. Anthony Toomer, Mr. Cato Ash, Mr. James Brown, Mr. Daniel Legaré, Sr., Mr. Joshua Lockwood, Captain Owen Roberts, Mr. Theodore Trezevant, Mr. Mark Morris, Rev. Mr. William Tennent, Mr. John Berwick, Mr. Felix Long, Mr. Michael Kalteisen.

For the Parish of Christ Church. — John Rutledge, Esq., Arn. Vanderhorst, Esq., Clement Lemprierre, Esq., John Sand Dart, Esq., Gabriel Capers, Esq., Mr. Isaac Legaré.

For St. John's, Berkeley County. — James Ravenel, Daniel Ravenel, Job Marion, John Frierson, Esqs., Mr. Gabr. Gignillat, Mr. Francis Marion.

For St. Andrew's. — William Scott, Thomas Bee, William

Cattell, Esqs., Colonel Thomas Fuller, Captain Benjamin Stone, Isaac Rivers, Esq.

For St. George's, Dorchester. — David Oliphant, Benjamin Waring, William Sanders, John Mathewes, Jr., Esqs., Mr. Richard Waring, Mr. Richard Walter.

For St. James's, Goose Creek. — Thomas Smith, Sr., Esq., Colonel Benjamin Singleton, John Parker, Benjamin Smith, John Izard, John Wright, Esqs.

For St. Thomas's and St. Dennis's. — James Aiken, Isaac Harleston, John Huger, John Moore, William Parker, John Syme, Esqs.

For St. Paul's. — Thomas Ferguson, Benjamin Elliot, George Haig, Charles Elliot, Robert Williams, Robert Ladson, Esqs.

For St. Bartholomew's. — Hon. Rawlins Lowndes, Colonel James Parsons, William Skirving, Esq., Philip Smith, Esq., James Skirving, Esq., Philip Smith, Esq., James Skirving, Jr., Esq., Mr. Joseph Hyrne.

For St. Helena. — Mr. Thomas Rutledge, Mr. John Barnwell, Jr., Mr. Daniel Heyward, Jr., Captain John Joyner, Mr. Daniel de Saussure, Colonel William Moultrie.

For St. James's, Santee. — Colonel Daniel Horry, Paul Douxsaint, Esq., Thomas Horry, Edward Jermain, Thomas Lynch, Jr., Capers Boone, Esqs.

For Prince George's, Winyah. — Thomas Lynch, Elias Horry, Jr., Benjamin Huger, Joseph Allston, Benjamin Young, Esqs., Mr. Paul Trapier, Jr.

For Prince Frederick's. — Theo. Gaillard, Thos. Porte, Esqs., Captain Adam McDonald, Mr. Anthony White, Mr Samuel Richbourg, Mr. Benjamin Screven.

For St. John's, Colleton. — William Gibbes, Charles C. Pinckney, Thomas Evance, Esqs., Mr. Thomas Legaré, Jr., Captain Thomas Tucker, Mr. Benjamin Jenkins.

For St. Peter's, Purrysburg. — Colonel Stephen Bull,

William Williamson, Esq., Cornelius Dupont, Gideon Dupont, Thomas Middleton, Esqs., Mr. Philotheos Chiffelle.

For Prince William's. — Colonel Benjamin Garden, Isaac Motte, Esq., John Ward, John Bull, William Bull, Isaac Macpherson, Esqs.

For St. Stephen's. — John Gaillard, Philip Porcher, Esq., Peter Sinkler, Charles Cantey, Gabriel Marion, Esqs., Mr. James Sinkler.

From St. Mark's, viz. Ninety-six District. — Colonel John Savage, Colonel James Mayson, Major And. Williamson, Le Roy Hammond, Esq., Patrick Calhoun, John Lewis Gervais, Edward Rutledge, John Purves, Richard Rapeley, Mr. Francis Salvador.

For the District between Broad and Saluda Rivers. — Major John Caldwell, John Colcock, Rowland Rugely, Esq., Jonathan Downes, Esq., Mr. John Satterthwaite, Mr. James Williams, Mr. John Williams, Mr. John McNess, Mr. Charles King, Mr. George Ross.

For the District between Broad and Catawba Rivers. — Hon. Henry Middleton, John Chesnut, Esq., Robert Goodwin, John Winn, Henry Hunter, Esqs., Mr. Thomas Woodward, Mr. Thomas Taylor, Mr. John Hopkins, Mr. William Howell.

For the District eastward of Wateree River. — Colonel Richard Richardson, Jos. Kershaw, Mathew Singleton, Thomas Sumter, Aaron Locock, William Richardson, Robert Patton, Esqs., Mr. Robert Carter, Mr. William Wilson, Mr. Ely Kershaw.

For Saxa-Gotha District. — Hon. William Henry Drayton, Hon. Barnard Elliot, Benjamin Farrar, Esq., William Arthur, Jonas Beard, William Tucker, Esqs.

For the Parish of St. Matthew. — Colonel Tacitus Gaillard, Colonel William Thomson, Rev. Mr. Paul Tur-

quand, Mr. John Caldwell, Mr. George King, Mr. Simon Berwick.

For St. David's. — Hon. G. G. Powell, Claudius Pegnes, Esq., H. W. Harrington, Alex. McIntosh, Samuel Wise, Esqs., Colonel George Pawley.

VI

ESTIMATES OF POPULATION OF SOUTH CAROLINA UNDER THE ROYAL GOVERNMENT

	Whites	Negro Slaves	Total	
1719	6,400	..	..	Gov. Robt. Johnson's *Coll. Hist. Soc. So. Ca.*, vol. II, 239.
1721	9,000	12,000	21,000	Rep. Board of Trade, *Col. Records No. Ca.*, vol. II, 418.
1721	14,000	..	..	Drayton's *View of So. Ca*, 193.
1723	14,000	18,000	32,000	*Ibid.*
1724	14,000	32,000	46,000	Gov. Glen's *Carroll's Coll.*, vol. II, 261; Hewatt's *Hist. of So. Ca.*, vol. II, 266.
1734	7,333	22,000	29,333	Drayton's *View of So. Ca.*, 193.
1735	..	40,000	..	Ramsay's *Hist. of So. Ca.*, vol. I, 110.
1739	..	40,000	..	Hewatt's *Hist. of So. Ca.*, vol. II, 71.
1749	25,000	39,000	64,000	Gov. Glen's *Carroll's Coll.*, vol. II, 218.
1753	30,000	..	..	Mills's *Statistics*, 177.
1763	35,000	70,000	105,000	*Ibid.*
1765	40,000	90,000	130,000	Hewatt's *Hist. of So. Ca.*, vol. II, 292; Drayton's *View of So. Ca.*, 193.
1769	45,000	80,000	125,000	Lieut. Gov. Bull to Board of Trade, December 6, 1769.
1773	65,000	110,000	175,000	Report Historical Com. Charleston Library, 1835, apparently on authority of Well's *Register* for 1774.
1775	60,000	80,000	140,000	Henry Laurens to French Minister.
1775	70,000	104,000	174,000	Dr. Milligan's *Revue*, chapter on Colonial History of Carolinas, 67.

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